SEVENTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION

RESEARCH PROJECT: "ALACs"

Promotion of Participation and Citizenship in Europe through the "Advocacy and Legal Advice Centres (ALACs)" of Transparency International. Analysis and Enhancement of an Anti-corruption Tool to Enable Better Informed and Effective Citizen Participation in Europe

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**Implementation of improved ALAC mechanism in FN, HU, IR and LI[1]
(it contains in chapters the reports of partners NCFN, NCHU, NCIR and TILS and individual country report)**

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[1] FN= Finland, HU= Hungary, IR= Ireland, LI= Lithuania

TI – Finland ALAC Implementation report
Transparency Finland

## 1.	Introduction

While Finland has held the top positions in the TI's Corruption Perceptions Index since it was introduced in 1995, and the number of corruption offenses remains low, yet in the opinion polls the majority of Finns consider corruption a major problem in Finland[2]. There is often talk of structural corruption or old boys' networks being a typical Finnish way of corruption which goes undetected, but solid definitions of structural corruption or old boys' networks are yet to be coined. Thus the popular sentiment of corruption being a major problem in Finland does rarely meet with the police statistics of corruption offenses, the views of civil servants dealing with the issue or international studies of corruption for that matter.

The aim of the ALAC project in Finland is to empower citizens and organizations to channel their individual corruption-related grievances into relevant anti-corruption advocacy and to improve the corruption prevention measures of Finnish organizations.

The main achievements of the ALAC project in Finland so far include:

Increased awareness of the corruption risks inherent to the current system of municipal decision-making related to zoning and land use among state and municipal level civil servants and politicians.

International departments of Finnish Universities are more aware of corruption risks in international higher education co-operation as a result of a training run by Transparency Finland and are considering implementing anti-corruption measures to international higher education co-operation.

Several Finnish companies have discussed the possibility of implementing anti-bribery methods with TI Finland.

One of the major tasks in the following period shall be the establishment of an Ask about corruption –helpdesk, which shall be located at www.transparency.fi website. The final shape of the helpdesk shall be decided after consultations with the National Bureau for Investigation, Ombudsman, Customs and other authorities which receive reports of corruption. The co-operation of these authorities is viewed as prerequisite for success in the

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[2] p. 10, European Commission: Special Eurobarometer 325 - Attitudes of Europeans towards Corruption, 2009

aim of empowering citizens and organizations to channel their individual corruption-related grievances into relevant anti-corruption advocacy.

2.   Background to chapter and ALAC

Transparency Finland (TI Finland, Transparency Suomi in Finnish) was founded in 2003 and is the national chapter of the international anti-corruption NGO Transparency International in Finland. TI Finland is registered as a NGO in Finland and it's prime objectives are informing and educating about corruption and, its consequences as well as international anti-corruption treaties. In addition TI Finland, by contributing to the discourse on corruption, strives to spread awareness on the problems and threats facing good governance.

TI Finland is financed through membership fees, donations and project funding. Individuals as well as companies and organisations, of both the public and private sector, can obtain membership of TI Finland. TI Finland has mainly worked on a voluntary basis until 2011, when two staff members where hired to TI Finland.
Some of the main achievements of TI Finland include:

- improved legislation of political and election finance
- stricter internal rules for marketing to doctors set by the association of pharmaceutical industry

Throughout its existence, TI Finland has received citizen reports, complaints and queries on corruption and corruption-related issues. There have been approximately 2-3 queries per month depending on the media visibility of TI Finland. After main media events of TI Finland such as the corruption perceptions' index launch annually TI Finland receives more queries.
At the moment, Transparency Finland regularly receives and answers to corruption related inquiries from citizens and businesses alike, gives opinions to the media, as well as participates in the work of government anti-corruption co-operation group. The interests of Transparency Finland include, among others, sports-related corruption and corruption in municipal decision-making.

3.   The Concept of ALAC in Finland

The confidence of citizens in law enforcement authorities, judiciary and ombudsman are at a high level in Finland. Furthermore any significant factors have not been observed, which would inhibit citizens to inform the authorities of the suspicions of corruption. Thus, TI

Finland has decided to focus on advocacy in Finland with the ALAC project and to increase awareness of the threats of corruption and corruption prevention.

According opinion polls such as the Special Eurobarometer on corruption[3], 51 % Finns consider corruption a major problem in Finland. At the same time there are still very few corruption offences according to police records[4]. Despite recent political finance scandals, which have led to subsequent and ongoing court cases, the number of cases has remained low.

Aims of the project

The project has two overall aims:

The first aim is to empower citizens and organizations to channel their individual corruption-related grievances into relevant anti-corruption advocacy. Currently, there is not a single point of reference for citizens and organizations for corruption-related queries. Co-operation of police, ombudsman and other relevant authorities is a pre-requisite for the ALAC project to have an impact in this area. A co-ordination meeting with the above-mentioned relevant authorities has been scheduled.

Furthermore, the lack of whistle-blowing protection schemes acts a deterrent for potential whistleblowers. Co-operation of Ministry of Justice and the government is needed to overcome this obstacle. Progress during current government does not look imminent.

The second overall aim is to improve the anti-corruption preparedness or corruption prevention measures of Finnish organizations. In order for the ALAC to have an impact in this area the co-operation of the organizations is a pre-requisite.

Objectives of the project

The ALAC project has three objectives underpinning the overall aims of the project. The first objective is to provide better information to citizens and organizations to equip themselves in order to take action against corruption. In order to accomplish this objective Transparency Finland Ask about corruption –helpdesk shall be created at Transparency Finland's website www.transparency.fi after consultations with the National Bureau for Investigation, Ombudsman, Customs and other authorities which receive reports of corruption.

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[3] p. 10, European Commission: Special Eurobarometer 325 - Attitudes of Europeans towards Corruption, 2009
[4] Klemola, Jenni (Keskusrikospoliisi).: Korruptiotilannekuva 2009

The second objective is to raise awareness of risks inherent to corruption and the possibility to avert them through corruption prevention measures. Work towards this objective has been done by organizing a seminar, conducting trainings to students, civil servants and representatives of private sector companies. Furthermore, individual targeted meetings have been held in order to improve corruption prevention measures at certain organizations.

Third, to provide targeted information to organizations on anti-corruption measures they can implement. This shall be done by developing guides for corruption prevention to different sectors, i.e. SMEs. Currently a guide to SMEs for countering bribery is at reviewing stage.

TI Finland continues to receive citizen reports, queries and complaints about corruption and corruption-related issues.

4.   Resources

The Transparency Finland ALAC project has hired a project manager to implement the project. The project manager Santeri Eriksson started his post 2. May 2011. Prior to that, the project was carried out on voluntary work basis by the Transparency Finland board. Also, currently the Transparency Finland board members have provided input to the ALAC-project, for example, by:

- providing expert knowledge on ALAC cases
- giving anti-corruption training
- contribution to corruption prevention publications.

The board of TI Finland has currently 9 members, who are retired or current civil servants, working in the private sector or working in labor unions or industry representatives.
Currently TI Finland has two staff, Project Manager Santeri Eriksson, who is in charge of this ALAC project and Project Coordinator Salla Nazarenko, who is in charge of a National Intergrity System Study project.

Travel expenses were paid for one of the invited speakers, Professor Emeritus Teuvo Pohjolainen, for travel to the seminar on zoning and land use in Pori, Finland. The other invited speakers participated pro bono and paid for their own travel expenses.

5.   Outcomes

In this chapter, mid-term outcomes of the objectives mentioned in chapter 3 are discussed.

Objective 1: To provide better information to citizens and organizations to equip themselves in order to take action against corruption.

Ask about corruption-helpdesk

Through the website www.transparency.fi Transparency Finland has already received the regular corruption related queries from citizens and businesses (approximately 2-3 times / month). These queries are commonly associated with the individual cases of suspected corruption or Transparency International's research. Furthermore, firms have been in contact to Transparency Finland in the context of anti-corruption measures and good corporate citizenship-related themes.

There is a specific theme section at the Transparency Finland's website www.transparency.fi on corruption related information. This theme section is accompanied by an e-mail tietoa@transparency.fi for further contacts and information. In addition, the association's public address info@transparency.fi has often been contacted for corruption related queries.

Webpages of the Ask about corruption –helpdesk shall be created at Transparency Finland's website www.transparency.fi at a visible location, through which interested parties can present questions related to corruption and its prevention. The suitability of the helpdesk to the Finnish context is shall be investigated. In addition, to avoid any misunderstandings the purpose of the helpdesk is discussed with the relevant authorities. The Ask about corruption – helpdesk is marketed at various events with distributed flyers and digital communications. Queries can be treated as confidential, if necessary. Queries are subdivided and recorded in the database, with the help of which it can be seen which themes evoke the most discussion.

Thus, Transparency Finland can gain information about the most critical corruption related issues in Finland through the helpdesk. The ask about corruption –helpdesk format shall be finalized after consultations with the National Bureau for Investigation, Ombudsman, Customs and other authorities dealing with corruption reports. These consultations have been scheduled for November. During the duration of this project the police have improved their reporting mechanism of corruption, make online reports of suspected cases easier to file.

The project manager of the ALAC project has been responsible for coordinating the responses to the queries. The cases have been handled in the following manner. The project manager has discussed with the people contacting TI Finland to ensure complete information. Then when necessary these queries and reports have been discussed at the TI Finland board meetings (approx. 1 meeting/month) to analyze whether the reports contain symptoms of societal corruption problems. Based on the discussions and individual consultations with board

members on their relative strengths the project manager has drafted replies. The responses are recorded, where possible, and more information is added to the theme pages of Transparency Finland www.transparency.fi on corruption.

The responses and actions of TI Finland to and following ALAC queries can be divided into four types:

a. assisting the recipient with information or providing technical assistance for the prevention of corruption and related issues
b. organizing public discussions on the topics raised by the recipient(s) (f. ex. zoning)
c. sharing information on anti-corruption themes of the bilateral meetings with individuals and organizations (f. ex. bilateral discussions on countering bribery with several SMEs)
d. Raising the topics in the media and with the government (Ministry of Justice anti-corruption coordination body, media statements on due and undue benefits for civil servants, etc.)

Objective 2: To raise awareness of risks inherent to corruption and the possibility to avert them through corruption prevention measures.

Seminars, lectures and meetings

Transparency Finland organized a seminar on zoning and land use in municipal decision making at SuomiAreena political discussion week event at Pori, Finland 13th of July 2011. 20-30 people of mostly civil servants, citizen activists and journalists participated in the seminar. The speakers included Communications Manager Kai Ovaskainen from Finnish company SOK, Professor Emeritus Teuvo Pohjolainen, Managing Editor Risto Hietanen of three capital region newspapers as well as Pentti Mäkinen, the chairman of TI Finland.

This seminar contributed towards heightened public debate on current governance of zoning and land use issues in the national and local media.

Furthermore Transparency Finland has held trainings to staff of the International Department's of Finnish Universities, BA Economics students of Aalto University, purchasing managers of the civil servants from different ministries, CSR managers of major Finnish companies doing business in Russia. After these trainings participants have contacted TI Finland and asked for assistance in areas such as including anti-corruption clauses to

international agreements of higher education, on the corruption situation in a certain country or on how anti-corruption measures ought to be reported in corporate reporting.

Furthermore, individual targeted meetings have been held in order to improve corruption prevention measures at certain organizations. Discussions at these meetings with corporations and other organizations have evolved around establishing an internal whistle-blowing system and anti-bribery safeguards for dealing with agents and intermediaries, for example.

Objective 3: To provide targeted information to organizations on anti-corruption measures they can implement

Guides to prevent corruption

As part of the ALAC project TI Finland publishes guides to preventing bribery and corruption in different sectors. TI Finland shall publish the first guide to corruption prevention for small and medium-sized enterprises, basing on Transparency International's work:

Business Principles for Countering bribery - Small and Medium Enterprise (SME) Edition

http://www.transparency.org/content/download/29197/443933/file/BusinessPrinciples_SME30Jan2008.pdf

and other publications on private sector by Transparency International. The publication for SMEs is currently in a reviewing stage. TI Finland has engaged in discussions with the Confederation of Finnish Industries - EK, and the Finnish Central Chamber of Commerce about co-launching the guidebook in order to receive the widest possible audience for the guidebook as well as to ensure that the guidebook is better received among businesspeople.

The decision to launch the first guidebook on anti-bribery for Small and Medium Enterprises (SME) arose from numerous queries from SMEs on anti-bribery related issues. Thus the experience of these exchanges with the recipients indicated that a solid single source of reference for SMEs on anti-bribery was missing and that there was a wider gap in awareness among SMEs on anti-bribery measures.

Topics for further guidebooks and other similar publications are chosen based on the queries received by TI Finland. It is the board of TI Finland, which makes the decisions on the future publications and other actions.

6.   Future Plans

Co-operation with the national authorities dealing with corruption reports is crucial to ensure a lasting effect of the ALAC project in Finland. The consultations scheduled with the National Bureau for Investigation, Ombudsman, Customs and other authorities which receive reports of corruption.

Furthermore, TI Finland has been planning a series of seminars on corruption related issues. The next one is planned on corruption and sport in Finland. This idea arose from a citizen query on game fixing and on newspaper reports on financial irregularities of some sports clubs.

Transparency International Hungary
Establishing Advocacy and Legal Advice Centre in Hungary

1.   Introduction

Transparency International Hungary (TI Hungary) works for a democratic country and society founded upon integrity and ethics where people and all stakeholders are empowered to stand up against corruption and cooperate in taking all necessary measures to tackle any misuse of public resources. TI Hungary is an independent professional non-partisan civil society organization aiming to fight corruption; promote transparency and accountability in public and private sector decisions and processes concerning public expenditure; and facilitate access to information of public interest. TI Hungary carries out its mission as a member of the international TI Movement comprising more than 90 National Chapters around the world. TI Hungary is committed to the adopted Guiding Principles of the TI Movement[5].

According to our belief information and specialized expertise is needed to assist people who are ready to step up against corruption. Effective laws, which we will advocate for, are needed to protect individual whistleblowers. Hence our aim is to provide legal assistance to those who want to act against corruption or have already become victim of it. Our strategy emphasizes that TI Hungary relies on people. We believe that for change to be sustainable, it is essential to maintain widespread public recognition and support. Therefore we need not only to get our message to society more broadly, but also provide assistance to all whose voice needs to be heard to fight corruption including victims, witnesses, whistleblowers, activists, stakeholders, journalists and decisions-makers. People also need to be adequately informed and empowered to reject corruption and take conscious steps against wrongdoings both on local and national level. One of the most effective means to achieve those goals has been to set up and run our legal aid service.

2.   Background to TI Hungary and ALAC

The founding of the Hungarian chapter of Transparency International was a milestone in the history of the fight against corruption in Hungary. The aim was to investigate and to conduct research to reveal the causes, the nature, and the different forms of corruption, in order to formulate recommendations for establishing a legal and economic environment that is disadvantageous for corruption. The Transparency International Hungary Foundation was

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[5]   http://www.transparency.org/about_us/organisation/statement

registered in October 2006, and it received the status of "Chapter in Formation" in 2007. After two years of successful operation and the closure of the accreditation process, the organization became a full member of Transparency International in 2009.

At the end of 2007, the National Integrity System study was prepared, which showed which were the fields where it was the most urgent to step up against corruption. The work of the foundation led by the board, which consists of five members and responsible for both strategic planning and operative functions. The activity of the foundation is controlled by a supervisory board that consists of three members. The Hungarian chapter of TI is financially independent from the head office of the movement seated in Berlin and raises the necessary funds for its work on its own. The activity of the foundation is supported by international funds, EU sources, and corporate and private sponsors, among others. However, we rely significantly on the experience, methodology, and research results of the international network of TI in its work.

TI Hungary has dominantly used an advocacy and policy approach when targeting, inter alia legislators, decision-makers, business sector and other stakeholders. Throughout our work we relied on media involvement and appearances. At the same time due to our increasing presence in the Hungarian public life and discussions we have received an ever growing number of inquiries, reports and requests for help from citizens alleging the presence of corruption in their lives. Our reactions and the aid we were able to provide could only depend on our available resources. Therefore it was a strategic decision to strengthen the watchdog role through the establishment of a more institutionalized legal aid service.

There are several reasons why TI Hungary established its ALAC:

1.   Corruption related offences have no victims according to legal theory, but in practice these crimes often affect lives and livings of individuals therefore who need help.
2.   General public has limited knowledge on where to report wrongdoings, which procedures to follow and also lack the legal knowledge that would be needed is most of the procedures. In 2009 according to the Global Corruption Barometer only 3 percent of the Hungarian population reported corruption to authorities.
3.   In Hungary whistleblowers did not receive effective protection either from the state or from NGOs.
4.   Corruption be reduced only by the active participation of citizens, who need support if they want to step up against wrongdoings.
5.   TI Hungary pursues evidence-based advocacy which needs first-hand knowledge of corrupt practices that can be learned from complaints received by the ALAC.
6.   TI Hungary uses strategic litigation as an important instrument of anti-corruption

activity and the ALAC is the best platform to collect cases and find those ones that can be used for such purpose.
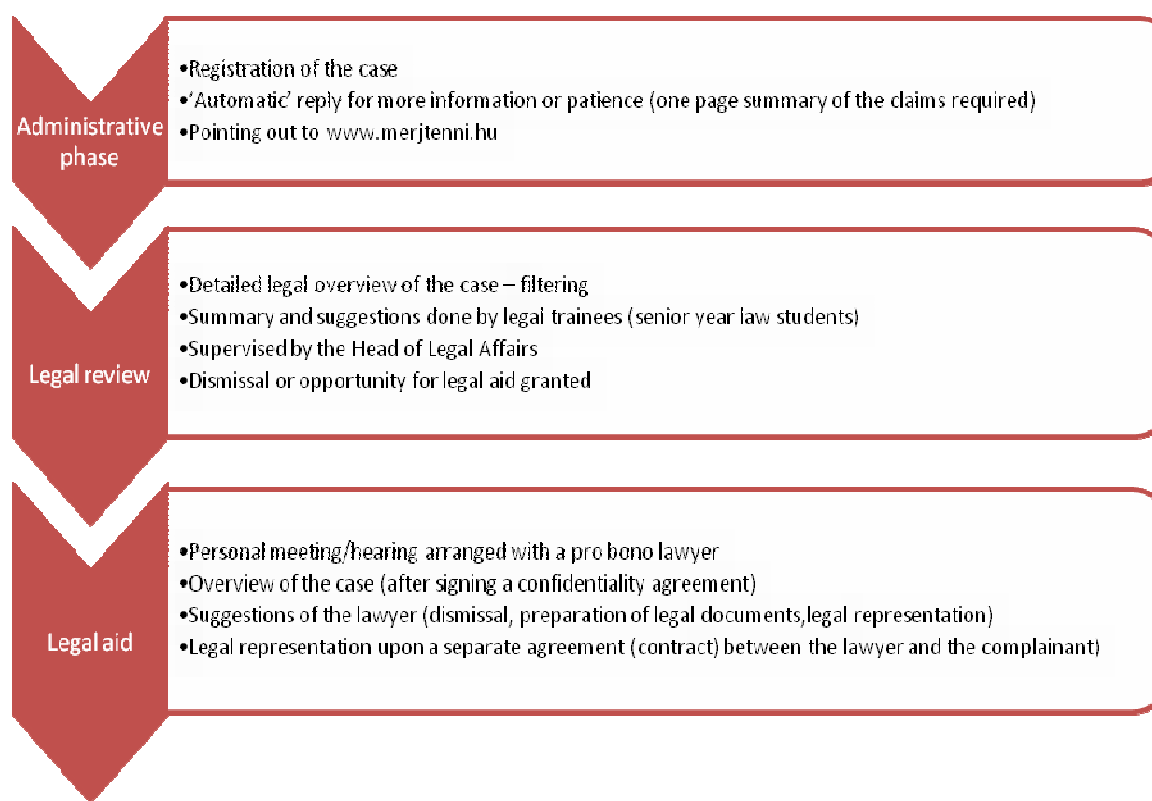
7. TI is often contacted by journalists who need legal expertise for uncovering corruption or need advice or representation in requesting information from public bodies.

3. Structure and scope of activity

The structure of the Hungarian ALAC now consists of selected TI staff and pro bono lawyers providing legal advice. The complaints are registered and first reviewed by the TI staff. If they are acceptable upon the 'corruption test' outlined on the 'merjtenni' (Dare to Act!) website, complainants are offered a personal consultation with a pro bono lawyer. The lawyers are members of some the most prestigious Hungarian law firms with significant professional expertise. All pro bono lawyers have signed a cooperation agreement with TI Hungary including e.g. regulations concerning potential conflicts of interest and right to pick or dismiss cases. Currently we work with four civil law lawyers and one criminal law lawyer. Personal meeting hours with lawyers are arranged for complainants once each week upon appointment.

Complaints and reports are accepted from everyone as our primary goal is to encourage the public to stand up against corruption. We do not exclude anonymous messages if they contain grounded information of good faith, while personal data and records are kept confidential. Besides offering individual help we would like to use the 'real life examples' to highlight systematic failures in the anti-corruption system and measures to support our work related to governmental and business sector strategy and policy making. TI Hungary – following the underlying principle of the TI movement – neither investigates, nor takes cases from complainants and acts instead of them. We are rather committed to point out where remedy might by sought, which authorities and organizations are there to help people in need through official channels. We also help to draft official petitions and requests of public information but it is for the applicant (citizens, journalists, etc.) to submit those. If legal representation is needed, we request one of our pro bono lawyers to take over the case through an agreement between the complainant and the lawyer. We only take cases within the realm of our corruption decision described on www.merjtenni.hu in a detailed and interactive 5-step-test.

The ALAC procedure within TI Hungary

Administrative phase
- Registration of the case
- 'Automatic' reply for more information or patience (one page summary of the claims required)
- Pointing out to www.merjtenni.hu

Legal review
- Detailed legal overview of the case – filtering
- Summary and suggestions done by legal trainees (senior year law students)
- Supervised by the Head of Legal Affairs
- Dismissal or opportunity for legal aid granted

Legal aid
- Personal meeting/hearing arranged with a pro bono lawyer
- Overview of the case (after signing a confidentiality agreement)
- Suggestions of the lawyer (dismissal, preparation of legal documents, legal representation)
- Legal representation upon a separate agreement (contract) between the lawyer and the complainant)

4.   Timeline

One of the first steps in the process of establishing ALAC was getting familiar with international experiences in providing anti-corruption legal aid service. We visited the ALAC team of Transparency International Czech Republic in Prague. (The visit was not covered under this project). We were particularly interested in the technical background (database management, case registration process, etc.) and case management (typical cases, dealing with clients, cooperation with law enforcement authorities, etc.) of the Czech legal advice centre. Besides the professional visit the ALAC Start-up Manual (October 2008) by Transparency International Romania and Aaron Rajania has also been translated into Hungarian. Representatives of TI Hungary participated in the workshop held in January 2010 in Berlin about the practical implications of running ALACs and in March 2011 in the first thematic module 'ALAC start-up training'.

Setting up an electronic database to register and overview the processing of complaints is an essential part of the project as the statistical data drawn enable doing further researches and determine general policy strategies. The case registration system developed by Transparency

International's International Secretariat and used frequently in the ALACs has been taken over and used ever since by us as well.

The first main milestone in reaching out to citizens with the ALAC was to launch a website with the help of our volunteers to inform and educate about where to turn and what to do if someone experiences corruption. No such Hungarian website has been set up beforehand; hence our initiative fills a significant gap in providing legal and practical help for complainants. Our team was in constant contact with the volunteers who were collecting all relevant information and data necessary for setting up the website. The content of the website was finalized in the end of May 2010 and can be found on http://www.merjtenni.hu/.

Opening page of www.merjtenni.hu

The official announcement about the website and launching ALAC was connected to the international anti-corruption day on 9th December 2010 in the framework of a highly publicized media event with significant press coverage and public reaction. We held a large scale festival and professional conference, on which international experts presented whistleblowing systems and international best practice. After the conference the winners of the Dare to Act poster and logo contest were announced. TI Hungary has organised a competition to design logo and poster for the ALAC. More than 200 works were received. Winners and their works were presented at the festival, on an award ceremony.

Winner of the 2010 logo competition – symbol of ALAC Hungary[6]

As of the beginning of January 2011 TI approached several legal aid services of NGOs, public bodies and labour unions so as to make them familiar with the scope of the work of our centre. Moreover TI Hungary started to raise awareness on the ALAC among journalist. The Hungarian ALAC started its work officially on 1 January 2011.

5.   Services and Resources

The Merj tenni! ALAC of TI Hungary provides various services to the public tailored to their needs. Complainants are encouraged to contact the ALAC via e-mail, but simple requests of information or help are also provided on phone. Depending on the case the clients may receive the following services:

▪   legal advice either orally or in written form;

▪   preparation of legal documents (motions, petitions, etc.);

▪   representation before authorities or in court procedures by an attorney;

▪   identifying and contacting investigative journalists to examine and possibly to publish on the case

▪   referral to other NGO-based or public legal aid service.

The incoming cases are assessed either by a law student intern (legal intern) under the supervision of a staff member of TI Hungary who has legal degree or solely by the latter. If a legal intern handles the case he/she has to summarise the story and the legal questions and the supervisor decides on further action. The legal intern has to prepare a draft response letter based on the assessment which is reviewed by the supervisor and if no further correction

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[6] The logo has become popular and used by other chapters (ALACs) within the international TI movement.

needed, it is sent to the client. If no legal intern is involved the staff member answers the case and may consult senior colleagues on legal issues if needed.

The ALAC of TI Hungary has extensive personal resources. Legal interns and law clinic students take part in the ALAC's work, who gain first-hand experience in this work. There are five civil law attorneys and one criminal law attorney who provide legal advice, prepare legal documents and give representation to clients in courts on pro bono basis. The client mandates the attorney and the free service is attributed to ALAC. If the attorney wins the case in the court, the lawyer is entitled to the attorney's fee as ordered by the court (which is usually much below under the market price). If the case is lost, the client doesn't have to pay the attorney, but may have to pay the fee of the opponent's attorney and of the court. The ALAC informs the client on the risks and possible fees prior to starting the case. As there has been few court cases since the ALAC started its operation and in all these cases either a daily newspaper or TI Hungary were the clients, the fees did not discourage anybody from seeking remedy before the court. However it is quite likely that the court fees may become a concern for disadvantaged clients. For this reason TI Hungary has to secure funds to help any client of ALAC to access courts.

It is an important policy regarding the representation that the ALAC or TI as a legal entity do not report to police or starts a procedure instead of the client. This policy serve different goals. First, the clients are the victims, witnesses or whistleblowers of the reported cases, which means they are often involved in these cases. TI's goal is to show that ordinary people with some help can fight corruption in their life, but no one else would go along the way if they don't act. Second, clients may mislead the ALAC either unintentionally or may abuse the ALAC as an instrument to achieve hidden goals. Third, ALAC is a legal advice centre which helps its clients, but it is not a denouncing centre where people should report wrongdoings, possible wrongdoings and suspicion of wrongdoings.

6.   Selection of cases, reports and Cases to date

As the ALAC takes cases only within the realm of corruption we prepared a 5-step-test available online on www.merjtenni.hu . The test is based on TI's corruption definition "abuse of entrusted power for private gain".

1. Do you know about abuse of power in this case?
   - Yes (leads to question 2.) / No (leads to a list of other legal aid services)

2. What kind of power was abused?

- physical power (leads to a list of criminal offences)
- in labour relation (leads to question 3.)
- privately entrusted power (leads to question 3.)
- public authority (leads to question 3.)

3. Did someone profit from the abuse of power?
   - Yes (leads to question 4.) / No (leads to a list of other legal aid services)

4. What kind of profit was it?
   - financial (leads to question 5.)
   - favour (leads to question 5.)
   - information (leads to question 5.)
   - other (leads to a list of other legal aid services)

5. What do you think what was the motive of the abuse of power?
   - financial gain (yes, it is corruption and leads to other parts of the site)
   - political ideological reasons (leads to a list of other legal aid services)

The 5-step-test is the main filter in selecting cases, but there are other aspects that have to be considered. In some cases the clients already have attorneys who represent them in administrative/court procedures, in such cases legal advice specific to corruption issues may suffice, but don't require that level of legal aid as clients without attorney. In some cases the client simultaneously approaches numerous legal aid services and authorities. If another legal aid service takes the case the ALAC's work would be redundant. If the client already approached the authority which can provide remedy the ALAC's help may also prove to be unnecessary.

Cases

Since 1 January 2011 the ALAC received more than 60 reports. More than half of the contacts with the ALAC do not address a corruption case, but seek help in other legal issues. Such cases included: complaint on medical malpractice, disputes of business partners, refusal of providing loan by a bank, changes of standard contractual clauses by a telecommunications company, inheritance law disputes, environmental damages and numerous labour law cases.

In the majority of reports to ALAC where corruption issues are addressed there is no evidence at all only a suspicion that behind an irregular action of a public body is originated in corruption. Such cases involved abuses of EU funds, embezzlement of drugs donation,

unlawful management of municipality assets, corrupt surveyor who put down borders of lands incorrectly, abuses of municipality funds, corruption in law-making by regulating a driver's education market in favour of groups preferred by the regulator. In these cases when we request more information the clients usually withdraw.

An interesting subset of the former group of cases is corruption in the legal sector. Dissatisfied clients allege that their attorneys were corrupt and that's why did not present well their cases, there are several complaints of bailiffs who acted illegally and possibly in a corrupt manner, and there was also a case where a client alleged that a judge was biased in his/her decision because of corruption.

There is a group of cases in which the clients seek information or want to exercise their right to information and they need the support of ALAC. In a case a musician wanted to have access to information on the financial activities of the copyright collecting agency, in another case a local representative of a political party wanted to obtain information on the tax revenues of a municipality.

There is one case where a defenceless victim of corruption contacted the ALAC. In a municipality owned home for elderly people the management provides the right to stay in better (single or double) rooms to inhabitants for significant amount of money, that is illegally pocketed by few members of the management. The same time other inhabitants, who cannot speak for themselves or don't have the financial resources or refuse corruption stay in rooms with 6-8 people. As the victim lives in this home, which is located in a small town where local elite is very small and everybody knows everybody it needs very careful action to help the complainant to uncover the case and same time protect her interests.

The last type of cases that has to be mentioned are the freedom of information cases in which journalists need information from public authorities that refuse to provide it. Since January there had been three court cases in one of the cases authority disclosed the information upon getting to know a lawsuit has started, the two other cases are pending. All these cases aimed at the disclosure to legal/consultancy contracts signed by public bodies and which proved to be corrupted in the recent years in Hungary.

7.   Outcomes

Late 2010 TI launched the Dare to Act! poster and logo contest which received more than 200 works. Both the contest and the award-giving ceremony functioned as awareness-raising for

the ALAC. The merjtenni.hu website of the ALAC was launched the same time. The website provides information on typical corruption situations and the relevant procedures to address them in nine areas (health care, education, EU funds, farm subsidy, labour law, environment, public procurements, fair competition, lobbying) and regarding seven types of public bodies (law enforcement, prosecution, courts, government, municipalities, state owned companies, tax authorities).

ALAC has become one of the core activities of TI Hungary besides research, monitoring, awareness-raising, advocacy and education. The cases of ALAC provides both qualitative and quantitative information for our five other activities which means case-studies can be used in education and research, experiences of ALAC provides for evidence-based advocacy and in high profile cases help in awareness-raising and public interest advocacy.

ALAC also has an important role to reach out to individuals and a basis to build an individual supporters community in the anti-corruption field.

8.   Future Plans

Employment of a full-time in-house attorney who can represent clients before authorities or courts. More resources on coordinating complaints, interns and pro bono attorneys and on maintaining closer contacts with other legal aid services, professional organizations, labour unions, as well as with journalists.

ALAC would need

- better promotion with targeted PR work (meetings with professional alliances, chambers, ads in magazines and papers);

- cooperation with authorities concerned (more regular updating the website, dissemination of information);

- cooperation with more journalists (taking up big cases, e.g. FOI proceedings by journalists);

- advocacy for pro bono legislation amendment more favourable to ALAC activities;

- fundraising, hiring ALAC attorneys;

With the above activities we could raise the number of cases that would allow selecting higher number of genuine corruption cases that have high impact on public awareness and public policy.

Transparency International Ireland
Advocacy and Legal Advice Centre in Ireland

1.   Introduction

Transparency International Ireland (TII) established Western Europe's first TI Advocacy and Legal Advice Centre (ALAC) in May 2011. The centre was set up with the support of the European Commission FP7 project in collaboration with Konstanz University, Warwick University and Transparency International Secretariat.

TII's ALAC programme, known as Speak Up, offers citizens and whistleblowers information and advice on their rights, using evidence gathered to identify and publicly highlight risks of abuse or corruption. Speak Up uses a free-phone number and a secure email system for people to make anonymous contact with TII's volunteers and lawyers. This service also allows TII to pass on information about wrongdoing to the authorities on behalf of citizens, witnesses and whistleblowers, thus protecting their identities. TII will monitor action taken on foot of reports. Since the service was set up in May 2011, around 140 cases have been handled.

2.   Background to TI-Ireland

TII was founded in 2004 by its Chief Executive (CEO) 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 TII and have it accredited as a member, or chapter, of the global TI movement.

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.

TII is registered with the Irish authorities as a company limited without share capital. However, it is not recognised as a charity since its mission is viewed by the Irish Revenue Commissioners as political in nature and thus ineligible for charitable tax status. It has around 70 members who each pay an annual subscription and are entitled to vote and stand for election to the Board of Directors. The chapter is governed by its Board of Directors (of up to

ten members) which is directly elected by the membership. Board members can serve up to three terms of three years. The Board oversees the work of its staff. The chapter is managed by its CEO and its newly-appointed Advocacy and Research Manager. Up until October 2011 the chapter was supported by a part-time office coordinator(titled Development and Support Coordinator) who is responsible for recruiting and inducting volunteers. There are currently 16 volunteers working with TII. Eight of these work on the Speak Up project.

Achievements

In spite of limited resources (total income for 2010 was €130,000; in 2009 it was just over €60,000) the chapter has achieved a great deal. It led a successful campaign for the introduction of anti-corruption legislation and is currently advising the Government on details of a planned comprehensive whistleblower law (similar to the Public Interest Disclosure Act in the UK), as well as reforms to the Freedom of Information Act.

In 2009 TII published the country's first comprehensive analysis of safeguards against corruption and the abuse of power in Ireland. This National Integrity Systems (NIS) Study has helped inform the current debate on political reform in Ireland, and forms the basis for TII's advocacy campaigns.[7] The chapter is also currently developing the world's first interactive anti-corruption encyclopedia, called IntegWiki. This online resource is currently in its pilot stage and will be project managed by TII's Advocacy and Research Manager. It is part of an EU Commission funded project assessing the NIS of 26 EEA countries. TII is currently devising a National Integrity Index that will rank public bodies according to how accountable they are to citizens. It is also planning a National Integrity Award to recognise those who have made an outstanding contribution to the fight against corruption or promotion of integrity in Ireland.

TI - Ireland Timeline

- December 2003 – Work begins to establish TI chapter in Ireland.
- December 2004 – National Chapter In Formation in Ireland launched.
- December 2006 – TII awarded full TI Chapter status.
- February 2009 – Launch of National Integrity Systems Study identifies the protection of whistleblowers as a strategic priority.
- February 2010 – Launch of An Alternative to Silence Report leads to new debate on whistleblower protection. Plans for Advocacy and Legal Advice Centre in Ireland announced.

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[7] http://www.transparency.ie/resources/NIS

- May 2011 – Speak Up launched.

3. Background and Rationale for an Irish ALAC

As TII's profile has grown, more people have contacted chapter either looking to report wrongdoing or to seek support after they had found themselves victimised for having reported concerns. In addition, TII's NIS 2009 research identified a number of reasons for launching an ALAC in Ireland. These included:

1. A paucity of information accessible to employees and the wider public in Ireland on how or to whom they should report allegations of corruption, negligence or other forms of wrongdoing within the public or private sectors.
2. Meagre protection under Irish law for employees who wish to report allegations of wrongdoing.[8]
3. Confidential or anonymous reporting of wrongdoing directly to an Irish member of parliament or journalists was (and is still not) permitted by law.
4. Little advice is available to employers on what their duties are under Irish and international anti-corruption law and on how they can encourage their employees to report concerns in good faith.
5. Just over one in three of Irish business leaders encourage whistleblowing, compared to almost 90% in the UK.[9]
6. A culture of silence fostered through the imposition of exorbitant fees for applications for official information.

There were, and still are, many legal and practical barriers to accessing and sharing information in Ireland, yet there was no service to help people report wrongdoing or promote openness and integrity in public life. Furthermore, while there are a large number of agencies, NGOs and state bodies offering legal advice and advocacy services (most notably the human rights charity, FLAC[10]), there was no independent organisation offering information or support to people facing ethical dilemmas at work, to whistleblowers or to victims of abuse of power by public officials or agencies.

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[8] See TII's report titled "An Alternative to Silence" on whistleblower safeguards in Ireland at http://www.transparency.ie/news_events/whistle.htm
[9] RSM Robson Rhodes, Combating Economic Crime, 2005
[10] Most notably the Free Legal Advice Centres (FLAC). FLAC is an independent charity concentrating its work on four main areas: Legal Aid, Social Welfare, Credit & Debt and Public Interest Law

4.   Services and Resources

The chapter offers the public a number of ways to avail of the Speak Up service. People can contact the chapter through its Freephone '1800' number.

*Services include***:**

1. Free confidential information to people who wish to honestly report concerns regarding abuse of power (such as corruption) or harm to others in the workplace (including fraud, waste of public resources or negligence).
2. Free sourcing and referral to legal advisors for individuals who require legal advice and representation.
3. Expert and peer support to individuals who wish to bring public attention to bona fide cases of systemic abuses of power, white collar crime or corruption.
4. Advice or support to people seeking official information.
5. Reporting of concerns to employers or the relevant authorities on behalf of workers or citizens where both the individual and recipient of information (e.g. the employer or state authority) agree (see Engagement and Communications, page 12).
6. Collection and publication of statistical data from complaints/reports received so that corruption risks can be identified and highlighted with a view to having them addressed.

The Speak Up Freephone helpline is open from 10am to 6pm, Monday to Friday. Secure and anonymous emails can be sent at any time through the website www.speakup.ie, which uses an encrypted email system called Hushmail (www.hushmail.com). Only the TII CEO and Development and Support Coordinator have access to emails sent to the Hushmail account and can download messages from clients which are then passed on to one of the Advocacy and Legal Executives (ALEs) to be processed.

Calls usually lasts between 10 and 30 minutes. Trained volunteer ALEs use a dedicated call sheet to log information and ask a series of questions to assess the nature and gravity of each case. Callers are asked not to identify any person, place, product, workplace or organisation related to their concern. A first name or pseudonym is taken from callers; they are then asked the following questions:

1. How did they find out about the service?
2. What region of Ireland do they live in?
3. Which of the following best describes the issue they are dealing with:

    a.   They have suspicion of, or are considering reporting, wrongdoing
    b.   They have already reported wrongdoing

    c.   They are a victim of corruption or abuse of power

    d.   They are seeking information on the prevention of corruption

    e.   Other (specify) _____

4. Does their concern involve their workplace? If so, what sector do they work in? If not, what sector/industry does their case relate to?

5. Have they already sought legal advice? If so, have they litigated the issue?

6. Have they contacted anyone else (a public authority, their employer or the Gardaí for instance)? How did they respond/Was the client happy with their response?

7. More detail is sought on the nature of the case. Have they documentary evidence or not? Volunteers are asked to get a clear timeline of events.

8. Volunteers are asked to ascertain what help the client is looking for from TII.

Finally, contact details are recorded (where a case is particularly sensitive, the client will be encouraged to correspond in writing by setting up a Hushmail account) and clients are told that the information will be reviewed by the volunteer and Director of the Speak Up service (in this case, TII's CEO). Information from each call sheet is entered into the ALAC database and volunteers brief the CEO on each call.

Follow up action is then determined. This includes:

1. Referral to another non-profit organisation such as FLAC (where the client requires legal advice on a civil matter).

2. Research on the relevant complaint mechanism – to identify how and where a report or complaint should be made about wrongdoing, waste, or abrogation of official responsibility.

3. Research on the relevant transparency mechanism – to identify whether the client is entitled to official information to establish a conflict of interest involving a public official, court documents, public agency policies, criteria, files or records.

4. Research on the relevant enforcement mechanism – to identify whether a law, rule or regulation exists and effectively deals with the alleged wrongdoing or conflict of interest; to determine what agency is responsible for enforcing the rule

Information is then passed on to the client and follow up questions asked if necessary. Any information gathered through desk research on complaints mechanisms, transparency mechanisms and enforcement mechanisms are entered into a dedicated Speak Up wiki. This internal online database allows for easier reference to information that can be shared with clients, and also allows our Advocacy and Research Manager to more easily assess systemic weaknesses and failures in Ireland's National Integrity System.

Depending on the nature of the case, the client may be encouraged to call back to inform TII on progress. If necessary, a case file will be opened and its details recorded on the ALAC database. A case file will only be opened where a client is clearly in need of additional support and where TII is in a position to offer this. Support may include:

1. A request for official information on behalf of the client (where for instance the client has been unable to secure such information him or herself).
2. A report on or evidence of wrongdoing may be brought to the public body on behalf of a client.
3. TII may accompany the client in making a report of wrongdoing to the authorities.
4. TII may share its concerns about the treatment of a report/complaint, retaliation against a whistleblower, or failure to disclose official information with an employer, relevant public body or law enforcement agency.
5. TII may publicly disclose its concerns surrounding individual cases.

While it is too early to determine the outcome of any of the cases handled by TII to date, the information gathered in the ALAC database and Speak Up Wiki, has already helped identify systemic patterns that will be subject to further research (see page 8).

Resources

The Speak Up service's online resource page lists a number of guides and resources for whistleblowers and policy makers:

1. An Alternative to Silence (TII's 2010 report explains how whistleblower legislation in Ireland works, which professions are covered and which ones are not. It is accompanied by TI's regional study of the same name that examines whistleblower systems in nine EU countries.)[11]
2. TI's Policy Position on Whistleblowing is aimed at policy makers considering the impact of whistleblowing and the importance of speaking up in the public interest.[12]
3. Transparency International's draft Principles for Whistleblower Legislation, drawn up by a coalition of experts from the world's leading whistleblower organisations. They form a guide for lawmakers looking to write legislation that will protect the public interest.[13]

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[11] http://www.transparency.ie/resources/alternativetosilence
[12] http://www.transparency.ie/sites/default/files/TIWhistleblowing.pdf
[13] http://www.transparency.ie/sites/default/files/09_12_02%20ti-draft%20principles%20WB%20legislation.pdf

4. The Whistleblower's Handbook aims at helping people work through the different steps and stages of reporting wrongdoing, how to seek support, and raising awareness of injustices.[14]

Additional resources planned by TII or currently being developed include a letter writing guide for reporting or making official complaints as well as guides on using Freedom of Information legislation in Ireland and dealing with ethical dilemmas. When a critical mass of information is collected in the internal Speak Up Wiki, it will be published online offering people easy access to information on reporting concerns or obtaining official information from public bodies.

5.   Reports and Cases

There have been a total of 136 contacts or clients recorded in the TII ALAC database since it was launched in May 2011. Almost 40 of these were handled in the first day, following substantial media coverage of the launch. Of the 136 contacts, 11 were deemed, immediately, to have concerns not within our remit. For instance, one caller complained about what they perceived to be an 'overly-bureaucratic' application process for a job; it was apparent that any claim of corruption or abuse of power was without foundation. The other 125 contacts have been categorised according to the following sectors (please note that more than one sector can be assigned to a case; up to 3 sectors can be chosen per case).

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[14] http://www.uow.edu.au/~bmartin/pubs/99wh.html

SECTOR	FREQUENCY	PERCENTAGE
Health	16	12.8%
Education	14	11.2%
Legal Services/Law Firms	14	11.2%
Social Services	11	8.8%
Banking & Finance	8	6.4%
Police	6	4.8%
Environment	5	4.0%
Judges	5	4.0%
Retailing	4	3.2%
Tourism	4	3.2%
Tax Revenue Authorities	3	2.4%
Real Estate and Property Development	3	2.4%
Information Technology	2	1.6%
Defence/Military	2	1.6%
Public Prosecution	2	1.6%
Manufacturing	2	1.6%
Public Works Contracts & Developments	2	1.6%
Property Ownership: Use and Transfer	2	1.6%
Transportation and Storage	2	1.6%
Waste Disposal	2	1.6%
Fisheries	1	.8%
Agriculture	1	.8%
Anti-Corruption Agencies	1	.8%
Culture	1	.8%
Mining	1	.8%
Judicial (Other)	1	.8%
Legislative/Parliament	1	.8%
Political Parties	1	.8%
Power Generation & Transmission	1	.8%
Professional Services	1	.8%
Construction Permits	1	.8%
Sports	1	.8%
Water Supply & Sanitation	1	.8%
Other	15	12%
		Total: 100%

The statistics above provide an overview of the sector or profession subject to the most complaints or through which most complaints have been made. The Health Service, Education, Legal Services, Social Services and Banking represent the top five sectors subject to reports or complaints and account for almost 50 per cent of all the calls received to date. It is difficult to say whether this is representative of higher levels of wrongdoing in these sectors or whether it is because of the frequency of encounters organisations in these sectors have with the general public. Further research is required into how public bodies in particular act on foot of complaints and the level of disclosure of official information by these public bodies.

The types of alleged wrongdoing reported to the Speak Up service are outlined in this table:

CORRUPT PRACTICES	FREQUENCY	PERCENTAGE (%)
Bribery	1	0.65
Clientelism/ Patronage	6	3.92
Collusion/ Cartelling /Price Fixing	2	1.31
Conflict of Interest	9	5.88
Biased Procurement Requirements	6	3.92
Fraud/ False Accounting	32	20.92
Gifts	2	1.31
Illicit Political Contribution	1	0.65
Misuse of Insider information	2	1.31
Nepotism/ Cronyism	13	8.5
Sexual Favours	1	0.65
Theft/ Embezzlement/ Mismanagement of Public Funds	12	7.84
Lack of Transparency	19	12.42
Inefficiency/ Red Tape	15	9.8
Data Theft	1	0.65
Violation of Human Rights, Fundamental	6	3.92
Other, Please Specify	25	16.34

The largest proportion of cases recorded to date, involve fraud or false accounting by individuals, professionals (almost all by legal professionals), and companies. The number of reports alleging the bribery of public officials has been negligible. However, there appears to be a significant pattern emerging from reports of 'softer' or ambiguous forms of wrongdoing (or the risk thereof). These include 'Nepotism/Cronyism' (8.5 per cent); 'Conflicts of Interest' (6 per cent); 'Clientelism/Patronage' (4 per cent); and 'Biased Procurement' (4 per cent). The number of calls received relating to the Health Service, Education, and Social Services also indicates a relatively high level of dissatisfaction with the way in which complaints have been handled by public bodies or the level of transparency allowed for in the course of their work. This is borne out by the number of complaints surrounding 'Inefficiency/Red Tape' (10 per cent), and 'Lack of Transparency' (12 per cent).

The Speak Up service was only four months old at the time of writing and TII's sample is too small to determine the level or scale of wrongdoing or mistrust in public institutions or the professions. Nevertheless, the data does allow for patterns to be observed about the typology and distribution of complaints. This in itself should help identify priorities for intervention - both by those agencies responsible for delivering public services as well as campaigners working for reform. A more substantive measure of public institutions' responsiveness to citizens and willingness to reform will be tested over a longer period as TII pursues more detailed case work on foot of citizen complaints and whistleblower reports.

6.   Infrastructure

The TII office, including the Speak Up Service, opened in June 2010 at a specialised call centre (Call Centre Solutions (CSS)) in Dublin. The Speak Up Freephone line is maintained by CSS. Rent of the line is free, however TII pays for all inbound calls. The office has six desk spaces, a meeting area and a separate board room. A small number of clients visit the TII office after making contact with TII through the helpline or through our website.

TII has been using the beta-version of the secure ALAC database since June 2011, housed on a secure in-house server. In addition to the database, the chapter's documents and libraries are stored on an internal server and a secure Intranet and Customer Relations Management system is used to house data that can be shared with 'non-ALAC' staff and volunteers.

The Intranet is used as a platform for the Speak Up Wiki which stores information gathered during the course of research conducted by the ALEs on behalf of clients on public agencies. The information is categorised using headings identified in TI's NIS research including complaints and redress mechanisms, transparency (freedom of information/interest disclosure) mechanisms, and enforcement mechanisms (details on law enforcement and disciplinary measures).

The Speak Up Wiki

30
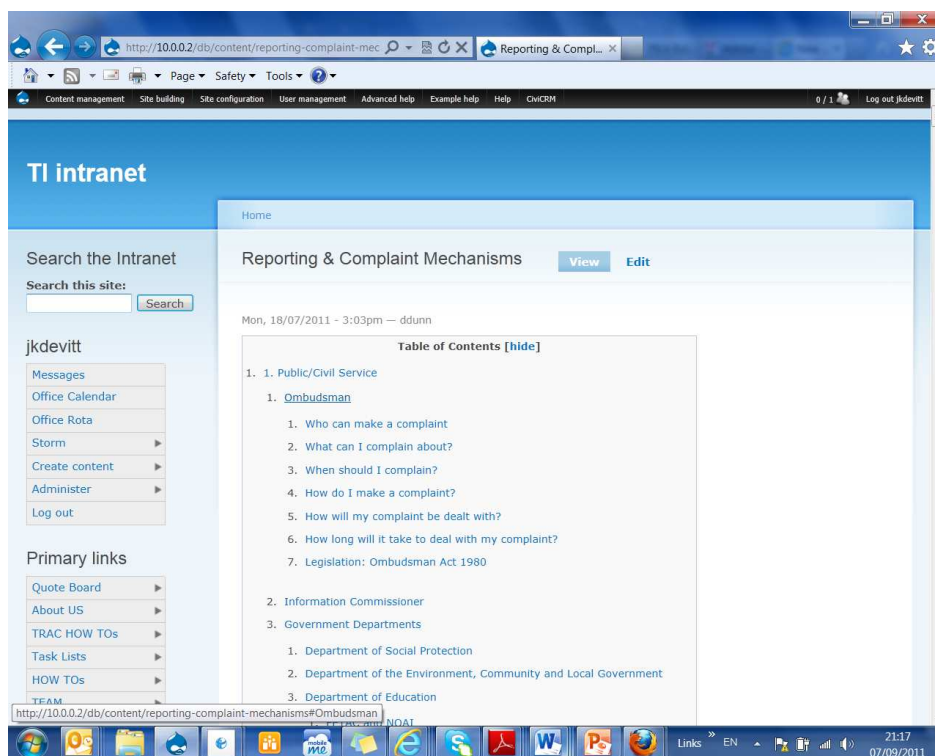
The purpose of the Speak Up Wiki is three-fold. Firstly, it allows ALEs to easily share information and refer clients to agencies that are equipped or mandated to follow up on complaints or reports about corruption. Secondly, once the chapter has gathered a critical mass of data, this information will be published online for the public and potential users of the Speak Up service. Thirdly, because the Speak Up Wiki uses headings derived from the NIS methodology, the information gathered in the wiki will allow our Advocacy and Research Manager and her team to identify strengths and weaknesses in Ireland's NIS – this NIS research in turn helps identify measures aimed at addressing maladministration and wrongdoing across the public and private sector in Ireland. The link between policy and practice is reinforced by placing our service in the context of a tested theoretical framework.

Security and Policies

Only ALEs are entitled to view folders and files related to the helpline, while paper files are stored in a locked cabinet. No names or identifiable details related to sensitive cases are stored on paper.

All staff and volunteers sign a conflict of interest policy, volunteer policy, and confidentiality policy. The chapter also has a 'What you can expect from us' page on its website outlining its client service policy for helpline users. TII states that it will "treat all callers in a respectful and courteous manner and helpline staff and volunteers will do their best to deal with every call, email and letter promptly". It goes on to state that if TII cannot deal with the query immediately, one of its volunteers will gather as much pertinent information as he or she can and reply within an agreed timeframe (provisionally, one week). The chapter promises that all information will be kept confidential and will be maintained in conformity with Data Protection legislation. A Client Charter outlines its mission, defines what a client is (a client is any person who seeks information or support from TII). The charter promises that all correspondence will be handled promptly, and that we will only hold as much information as is necessary on each case to identify steps required to assist each client. It makes it clear however that it may be obliged by a Court to comply with an order to give evidence during any legal action. For this reason, clients are asked to reveal as little about themselves or the organisation they work for.

A number of steps are also outlined in serving each client. TII attempts to ascertain what the client hopes to achieve and to discuss with the client whether their expectations are realistic. It pledges to "make every effort to explain things in a clear and straightforward way; to provide impartial information; to keep clients informed of any developments in relation to their cases and update them on progress". Where a client cannot be helped directly by TII, he or she will

be referred to a legal professional or another organisation that may be able to assist them further.

TII also has laid out what services it cannot or will not provide. Firstly, the Speak Up service does not include legal advice[15] or representation to clients. However, TII does share general legal information that is publicly available (much of this can be found on its Guides page on www.speakup.ie). It also makes it clear that it "cannot investigate or publicly expose complaints on behalf of clients". Callers are also told that TII will not "provide assistance to any individual who threatens our staff/volunteers or otherwise compromises their safety". Nor will it offer support to anyone continuing to engage in illegal or unethical activity or those whose complaint is clearly without foundation. In the event that a client wishes to make a complaint against TII, the chapter will pass on the client's complaint to the Chair of TII or the Europe and Central Asia department at Transparency International Secretariat.

Volunteers

TII's volunteering positions are advertised on its website, through university law schools, the Law Society of Ireland and online civil society networks. Potential ALEs are interviewed, references checked and vetted by the Development and Support Coordinator with each candidate reviewed by the Chief Executive. Each ALE signs a confidentiality agreement and agrees to be bound by TII's Code of Conduct. A TII volunteer policy governs the relationship between the volunteer and staff. Each volunteer receives training and induction in handling calls from the public, case processing, and data entry, correspondence/letter writing, and familiarisation with the TII ALAC database. An office calendar and rota is used to manage the time and contribution of each ALE, most of whom contribute two days per week and an average of three months. All volunteers can claim expenses for lunch and travel to and from the office on the production of receipts.

Further legal training is available through the Public Interest Law Alliance (PILA) training scheme which is free for TII volunteers and staff. PILA is an initiative of the Free Legal Advice Centres (FLAC) and offers free legal advice to NGOs that are members of the network. Further opportunities to work through the Law Library's Voluntary Assistance Scheme which offers free legal advice by barristers to NGOs are currently being explored. Volunteer solicitors and barristers are recruited on an ad-hoc basis and usually called upon to lend advice where legal support is needed. To date only around 10 of the 140 cases handled have required such support. This is because in most cases, clients have already received legal

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[15] Legal advice involves the interpretation of the law or the application of the law to a given set of facts.

advice, their cases have already been heard before the courts, or referral to a third party is warranted.

TII has yet to undertake a capacity assessment using TI's Capacity Assessment Tool however it is expected that this process will begin within six months of the chapter operating the Speak Up service.

7.   Engagement and Communications

TII will pursue memoranda of understanding (MOUs) with public bodies and any organisation that are interested in engaging with the Speak Up service. While MOUs have yet to be finalised and are subject to legal advice, it is expected that they will contain a number of provisions including:

- An internal policy and procedure allowing members of the public, customers, suppliers or staff report concerns to an internal 'confidential recipient' through the Speak Up helpline.
- A case referral agreement allowing TII to pass on complaints or reports on behalf of Speak Up clients to participating organisations.
- Monitoring and client advocacy based on complaints or reports made by Speak Up clients to public bodies. Follow up or failures to follow up reports would be captured in an independent evaluation of the case.
- Promotion of the service and Speak Up policy to key stakeholders with Speak Up poster, bookmarks and other merchandise distributed internally.
- Ethics, compliance, whistleblower and anti-corruption briefings/training for staff and directors.

Each MOU will be tailored to take into account existing legislation on mandatory reporting or anonymous whistleblowing. The Standards in Public Office Commission for example allows for complaints to be made against senior public office holders by members of the public. It does not accept anonymous reports and requires that anyone making a complaint identifies him or herself. However, it treats each complaint/report confidentially and allows for third parties to file reports on witnesses or whistleblowers' behalf. TII would therefore be well positioned to make complaints/reports against public office holders on behalf of citizens.

A number of other agencies have been identified and will be approached with a view to signing MOUs. These include the Health Inspection and Quality Authority; the Health Service Executive, the Health and Safety Authority; An Garda Síochána (Irish police service); the

Garda Ombudsman; the Standards in Public Office Commission; the Office of the Director of Corporate Enforcement; the Competition Authority; the Comptroller and Auditor General, the Ombudsman and Information Commissioner; the Central Bank; the Financial Services Ombudsman; Government departments; trade unions and professional groups.

It is expected that expenses for engagement with organisations will be recouped on a cost recovery basis. No corporate or government donations will be accepted for TII's core costs. If any conflict of interest arises from TII's relationship with a participating organisation and a Speak Up client, TII will either temporarily or permanently withdraw its cooperation from the organisation and will refer it to an alternative service provider.

Branding and Marketing

The TII ALAC has no identity distinct from that of the chapter. While the brand Speak Up distinguishes the project from others (such as An Alternative to Silence, NIS or IntegWiki), the chapter's identity is not separate from the projects it manages.

There appears to be very little public awareness of the Transparency International or Transparency International Ireland brand in Ireland. This is partly down to the style and substance of TI's campaigns in Ireland which up until recently were targeted firmly at policy makers, key influencers in the Irish media, academics and business people. Previous campaigns focused squarely on the prevention or prosecution of bribery and other forms of legally-defined corruption (see page 4 on key achievements). In addition, philanthropic, government and public support for this work has been scarce. In fact, more than 95 per cent of TII's funding comes from overseas. While the chapter can point to some notable achievements and campaign successes, the chapter is still not well known enough for the Transparency International brand to command public attention by itself.

When planning for an Irish ALAC began in 2006 it was clear that the chapter did not have the resources to launch a legal advice service in Ireland. Legal advice services are governed by Statutory Instrument in Ireland as laid down by the Department of Finance. This means that any Legal Advice Centre must employ a full time director who has qualified as a solicitor with the Law Society of Ireland and is registered with the Law Society. Since TII's CEO is not a solicitor and there is inadequate funding to support a full-time position (the CEO volunteers a large portion of his time), the chapter is unable to register its Speak Up service as a Legal Advice service. It can therefore not use the title 'Advocacy and Legal Advice Centre'. Furthermore, since no formal decision had been made on whether TII will in future reattempt to apply for charitable tax status (and the Irish Revenue Commissioners clearly state that

advocacy and campaigning must not represent a significant proportion of a charity's overall programme of work), the term 'advocacy' has been used sparingly in publicity for the service.

This led initially to the title 'Transparency Resource and Advice Centre (TRAC)' being used in working and planning documents for the new service. The title 'Speak Up' was only adopted after a logo was found that illustrated a call to action from the public. The three monkey logo used by TI Hungary was borrowed by TII and the caption 'hear, see, speak' added to explain the call to action. The term 'Speak Up' has also been used widely to describe whistleblower or crime reporting services around the world. The Speak Up logo is instantly recognisable and is now being used on information pamphlets. Posters, bookmarks and business cards will be printed when resources allow. TI's international secretariat is now exploring the possibility of registering the three monkey logo as well as the 'hear, see, speak' and www.hear-see-speak.org domain name to help market the ALAC programme worldwide.

The Speak Up logo and banner

While public relations/media opportunities remain the main avenue to generate publicity for the service, it is hoped that funding will be available for advertising as well as print and distribution of publicity material. MOUs will also be drafted that ensure that public bodies, trade unions and companies help in the distribution of the publicity material and promote the service among their staff.

Messaging

The Speak Up service was launched on the 26th May 2011 as Ireland's "first service for whistleblowers and victims of corruption" and "the the first of its kind in Western Europe".[16] The launch was attended by the Minister for Public Expenditure and Reform, Brendan Howlin and the Ombudsman and Information Commissioner Emily O'Reilly. It received substantial coverage in national print and broadcast media.[17]

Some time was spent developing wording for the service that would help attract attention and create understanding while avoiding promises the organisation could not keep. Conference stands and flyers were designed and produced with the following wording:

- Facing an ethical dilemma at work?
- Reporting corruption, fraud or the abuse of power?
- Want to see change?

It is clear from TII's research that corruption is not a feature of every-day life for most Irish citizens. Instead people witness and are confronted by a wider range of problems including fraud, conflicts of interest in public office, abuse of position or failures in public service delivery and law enforcement. Few of these phenomena are generally defined as 'corruption'. That said, TI's broad definition of corruption[18], the tools that TI has developed and the chapter's mission to work towards an Ireland that is 'open and fair' justify its intervention in a number of areas that fall outside the legal definition of corruption. Likewise, the decision to blow the whistle on wrongdoing can be seen as much as an ethical dilemma as it is a legal issue. In the small number of cases involving whistleblowers that the chapter dealt with before the launch of Speak Up, the majority were already aware that they had limited legal rights and safeguards when reporting. The issue facing them was not whether they had legal guarantees

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[16] http://www.transparency.ie/news_events/transparency-international-ireland-launches-country%E2%80%99s-first-%E2%80%98ethics-and-anti-corruption%E2%80%99
[17] A summary of this coverage is available at http://www.transparency.ie/taxonomy/term/17/
[18] TI defines corruption as the 'abuse of entrusted power for private gain'.

when reporting but rather the ethical issues such as conflicting values surrounding the case (such as honesty versus loyalty to one's employer).

The phrase 'want to see change?' also focussed people's attention on the role of the helpline in effecting political and legal reform. This has been reinforced in press statements, interviews and the TII website which highlights the role of Speak Up in helping "TII and others advocate for systemic change on the broader issues directly relating to its case-work".

8. Conclusions

It is difficult to draw conclusions from the first four months that the Speak Up service has been in operation. What can be said is that a carefully planned system has been put in place for engaging and helping the public deal with concerns that may arise at work or in their communities. The data management system is designed to reliably identify patterns of behaviour and systemic weaknesses that will be extremely valuable for both policy makers and those campaigning for greater transparency and accountability across Irish society. The chapter has also shown that it is able to secure publicity and effectively market its ALAC service. Nonetheless, the real test of the chapter's capacity to deliver a meaningful ALAC programme will come as it intervenes in individual cases with limited staff and resources. Funding for the current phase of the project is due to be exhausted by May 2012. If additional income is not secured by early 2012, it will be difficult for the project to fulfil its early promise.

Transparency International Lithuania
Developing Advocacy and Legal Advice Center in Lithuania

1.   Introduction

Advocacy and Legal Advice Centres (ALACs) provide free and confidential legal advice to witnesses and victims of corruption. From the perspective of Transparency International, ALACs not only provide citizens with a safe and effective channel to report potential corruption cases but also play a critical role identifying corruption hotspots that demand reform or official action. Furthermore, harnessing the powerful, real life data gathered by ALACs on the consequences and mechanisms of corruption empowers Transparency International national chapters to engage in strategic advocacy to bring about systemic change in public policy and practice.

This model of legal advice has proven to be one of the most relevant approaches used across the global TI movement. Emerging new ALACs all around the globe once again prove that this model is not only effective, but also available for adoption to particular cultural backgrounds. In Lithuania, Transparency International Lithuanian Chapter started developing the concept of ALAC in 2009, while being already engaged in spontaneous previous consultation of citizens.

2.   Background to Chapter and ALAC

Although Lithuania has made numerous anti-corruption efforts since the restoration of independence in 1990, corruption persists as a painful problem affecting the society at large. According to the Global Corruption Barometer 2010, as much as 63 per cent of the respondents in Lithuania claim that the level of corruption has increased over the last three years, and this is only one staggering indicator. Based on the national sociological survey 'Lithuanian Map of Corruption' (2008), corruption is perceived to be one of three major problems in the country.

Transparency International Lithuanian Chapter (TI Lithuania) is part of the global civil coalition leading the fight against corruption. TI Lithuania is a non-profit, non-political organization, analysing the phenomenon of corruption, promoting civic anticorruption initiatives and informing the public of anticorruption activities in Lithuania. The Chapter was established in 2000 by the Open Society Fund Lithuania.

TI Lithuania is continuously involved in a number of anti-corruption and transparency initiatives promoting greater transparency in its main fields of work, like whistleblower protection, freedom of/access to information, social media transparency tools, integrity education, media accountability, and public procurement. Ever since 2000, TI Lithuania has been acknowledged as one of the most prominent non-governmental organization in the country involved in anti-corruption initiatives. It has been invited to a number of national working groups on corruption-related issues and is also a strong stakeholder in a number of legislative initiatives, as well as discussions on multiple daily issues from bureaucracy to petty corruption to nepotism and political corruption.

The work that TI Lithuania has been doing for the past 11 years and the experience the Chapter gained contributed to the idea of establishing a special legal advice service. Up until recently TI Lithuania did not have the in-house capacity to provide legal advice to individuals even though it has regularly dealt with legal questions. However, the increasing publicity of the work that TI Lithuania did on the national level raised the awareness of the public of our organization, as well as their expectations for us to deal with individual inquiries and cases. This far exceeded the think-tank, advocacy and watchdog focus that we had. However, growing awareness of our work also resulted in people spontaneously approaching us to ask for expert help, advice or further reference and contacts. TI Lithuania's policy has always been to process such requests and deal with them to the extent possible. The Chapter, thus, has been trying to clearly identify the problems of those who call/write/come in, provide advice on laws and procedures, refer them to other sources of legal assistance and sometimes even (in cases when callers expressly asked for it) help them get in contact with professional journalists in order to create publicity around specific cases.

This experience of processing inquiries along with other work, in particular, all the research the Chapter has conducted over time, was what led TI Lithuania to identify the need for a more structured approach. Establishing an ALAC actually meant the next, more advanced stage of the work the Chapter was already engaged in, as well as a direct response to the growing needs of the society.

Moreover, previous experiences helped identify potential challenges to such work at an early stage:

- ✄ Understanding and qualification of corruption (the society tends to see corruption at the roots of most their problems even if it is not; people have little awareness of different forms and types of corruption; the desperate need for help might lead to manipulation of facts by a potential victim or witness of corruption);
- ✄ a relatively big load of emotions to phone calls which often tends to make it complicated to narrow down the problems and effectively provide advice;

- ⚔ complexity of inquiries and the need to single out problems that can be worked on in an effective manner;
- ⚔ very wide range of issues people are facing and the challenge to determine what sort of particular help is needed.

Above mentioned challenges, also the issue of the (financial) sustainability of the ALAC, and other concerns raised by national and international partners (local legal practitioners, staff of other ALACs, etc.) have been taken into account while drafting the idea for the national ALAC.

3.   Structure

TI Lithuania has been looking for context specific and most effective ALAC model that would meet the current expectations of the society and respond to the cultural background of the country.

Establishing an ALAC is a project of multiple stages. First of all, before establishing an operational legal advice center, some indicators must be researched regarding social trends, available channels of communication and potential challenges to such work in order to be ready to provide advice from the very beginning.

From the experience that TI Lithuania has already had, potential themes and areas of engagement could be projected. Also, the previous work processing spontaneous phone calls led to a conclusion that Lithuania is still coping with a relatively high level of bureaucracy. Since this is an issue often undermining people's rights in a very similar way that corruption does, and it often lays grounds for corruption to flourish, TI Lithuania decided to create a platform to receive reports on both potential corruption and bureaucracy. This will open doors for preventive actions, allow people raise questions (and receive explanations) at an early stage, and demand more transparency and accountability from public officials. Thus, TI Lithuania believes that the aim should shift from recording alleged violations to helping solve problems at hand and before they cause real damage to individuals.

In addition to this, the issue of protection of whistleblowers should be one of the main areas the ALAC would focus on both from perspective of consulting and broader goals of advocacy. TI Lithuania has been working on enhancing whistleblowers' protection since 2009. This not only provides TI Lithuania with relevant expertise in the field, but also means that TI Lithuania already has tangible background for further case-by-case engagement. In addition to this, in 2010 TI Lithuania carried out a study „Hotlines in Lithuania: Analysis and Recommendations". In total, over 200 various institutional channels were examined, out of

which approx. 60 hotlines/helplines were identified, and selected 14 lines were thoroughly studied with a help of in-depth interviews. This study provided TI Lithuania with many useful insights for further work.

With regards to establishing a new ALAC, it was revealed that multiple possibilities of reporting within an organization seem to best respond to the needs of the society.[19] It was noted that there is a fast – expanding social segment of the society using the Internet extensively. Therefore, reporting by using emails and electronic on-site forms seems to target this group, as well as directly address the problem of identity protection. However, there are also people who tend to choose personal contact over electronic means of reporting. Therefore, telephone calls or in-house contact are still relevant for, especially, elderly people. Hence, both a phone line and electronic channels of reporting (e-mail and on-site form) seem to be equally necessary.

As the internet becomes an inherent part of everyday life, new technology is transforming the field of transparency and accountability, as well. Amidst other new options it has to offer, technology is also helping to improve citizen participation in decision-making and producing new ways of empowering citizens through processes such as online reporting and data visualization. According to the Statistics Department of Lithuania, as much as 60.5 % of Lithuanians (16-74 years) were using the Internet in 2010. Bearing in mind the fact that this number has increased nearly three times over the past 6 years, it becomes clear that online innovations and tools will become more and more popular in Lithuania.[20]

All of the above mentioned factors helped the Chapter crystallize the concept of an ALAC that would combine interactive means of on-line reporting and a helpline.

It was therefore decided to create an interactive internet tool to report potential corruption and bureaucracy cases and also operate a traditional helpline to respond to the needs of different social segments.

Both channels of consultation and reporting have distinct advantages. The supremacy of the on-site reporting and inquiries is that they are usually more structured, as people narrow down their problems when writing. Another benefit of this option, to some extent proved by the experience of other ALACs (particularly, the one run by TI Russia), is that of creating a so-called 'community board'. It provides people with a possibility to share their problem with anyone using the site (not only the ALAC staff) and ask for advice from other people who have faced similar difficulties or undergone same procedures. Finally, it is easier both time-wise and content-wise to process written reports. Therefore, it was decided to put the

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[19] This conclusion was drawn in a quantitative and qualitative hotline study carried out by TI Lithuania in February 2011.
[20] Source: http://www.stat.gov.lt/lt/pages/view/?id=1584

emphasis on the online means and create a visually compelling and interactive website, also retaining the option of a traditional helpline.

Interactive website development

Since people tend to respond more to interactive web solutions, it was decided to combine online reporting to an interactive and visually compelling map where the location of all reports could be marked. This map tentatively will not only act as an incentive to mark the potential spots of corruption, but will also reflect the current situation in Lithuania in a very clear way. Internet solutions company BribeSpot was contracted to create an interactive website for people to report and/or formulate their inquiries. The content and display of the web page was carefully considered and developed taking into account similar online solutions from all over the world.

Taking into account the need to raise the level of understanding and qualifying corruption better, an interactive test was created to help potential reporting persons to see if what they are faced with is a potential case of corruption.

It was also taken into account that in most cases people have little legal knowledge. Bearing this in mind, the test was formulated in simple terms, trying to disseminate a correct understanding of terms ("corruption" and "bureaucracy") and promoting 'responsible reporting'. Going through this test allows people to clearly establish whether what they are facing is corruption/bureaucracy or other types of abuse of their rights (if any). This interactive test should serve as a filter for reports.

The idea of a 'community board' stemmed from the fact that, first of all, this kind of advice platform has been successfully used in other countries. Secondly, this is also a natural conclusion in the context of Lithuania where forums seem to be a rather popular platform for communication. In addition to this, asking for advice on the community board will encourage people relate to others and help them, at the same time discovering if their problem is widespread or not. For TI Lithuania this option of accepting inquiries should lead to reducing the work load for the staff while being able to capture a much broader picture.

Helpline development

As already described above, it was decided to not limit the channels of reporting to Internet tools only. Hence, apart from developing a website for reporting potential cases of corruption/bureaucracy, a phone line will be open as an alternative communication channel

for the ALAC. TI Lithuania is currently negotiating a phone company for a toll free helpline which would operate separately and more securely from other office lines. Until then, the office line will serve as a substitute. Depending on technical, financial and administrative possibilities, the new helpline will be introduced gradually and test both its usability and relevant technical aspects (in particular, regarding security).

Apart from this, TI Lithuania is prepared to remain open for any kind of requests – including in-house consultations where possible and necessary.

Data base development

TI Lithuania has already prepared standard forms to fill in while processing the reports received both online and via e-mail. These forms will also be used to generate statistical data and identify structural or systemic problems. Additionally, a comprehensive database is being developed by the TI Secretariat in order to help existing and new ALACs collect relevant information and process inquiries in a consistent manner. This will be in particular useful to uniformly register all inquiries received in any different manner. Data can be used not only to produce statistics, but also raise certain recurrent issues and advocate for structural change.

Issue of protection of those who report or seek advice

Creating the database and profiling certain cases inevitably leads to keeping and storing some sort of personal data. According to the national laws of Lithuania, all subjects storing, processing or in any other way working with personal data must be registered as personal data controllers. The procedure to register as a personal data controller comprises of different stages:

1. filing a notification of personal data processing to the Personal Data Protection Inspectorate and preparing description of the internal data protection measure;
2. preparation of internal regulations to ensure that not only the personal data is protected from reckless revelation, but also that an active obligation to secure the data is imposed on all the workers who have access to it;
3. ensuring certain adequate technical, material and legal protection for the personal data processed and stored;
4. contracting an IT solutions company as a data processor;
5. ensuring continuous surveillance of the protective measures.

TI Lithuania has already prepared the list of protective technical and material measures, developed internal regulations on personal data protection and filed the request to the Personal Data Protection Inspectorate.

In addition to this, particular emphasis will be placed on a proper whistleblower protection. TI Lithuania, therefore, will try to promote relevant regulatory safeguards for people who blow the whistle on wrongdoings occurring within their working environments, as well as technical solutions for internal reporting. Thus, we will encourage potential whistleblowers to seek advice with us before reporting and companies to follow recommendations for secure and confidential channels.

4.   Timeline

TI Lithuania has been engaged with the preparatory work for its ALAC since September 2009. With an emphasis on studying the national context and best foreign practices, the first half of the project was devoted to the development of the concept for a national model which will mainly rely on internet tools. Useful national and foreign partnerships were also developed. In addition to this, by the end of 2010 two new staff members with legal background were hired with understanding that one or both of them will be involved partly or full-time with this project. Thus, with existing two staff members, three to four employees were regularly employed with project activities.

Once the idea of an internet based ALAC was elaborated, both legal and technical preparatory works have begun in the beginning of 2011. An IT firm was contracted to develop the website and key consultations have been conducted with lawyers, sociologists, IT and marketing specialists to support this activity and also to expand internal capacity and partner network. Intense works on the content of the website, in particular, electronic forms of reporting started in summer 2011 and are scheduled to round off by the end of 2011. The ALAC will be fully operational from this time forward. One or two interns will also be selected to support the work of the ALAC logistically.

5.   Services and Resources

Since the beginning of the ALAC project, TI Lithuania has employed two new staff members with legal backgrounds with possibility to include one/both of them to the project and increase chapter's capacity with regards to human resources. Also, TI Lithuania has doubled its office in size and acquired extra office-room for possible further human resource expansion.

It was also necessary to assess the extent to which TI Lithuania could rely on pro-bono lawyers' work. For that purpose, TI Lithuania held meetings with law firms looking into possibilities to cooperate with them on more sustainable basis. Evidently, the sustainability of ALAC in Lithuania shall be dependent on lawyers from expanded TI Lithuania staff (acting as seniors) and voluntary (law students) or professional pro-bono work. Yet, the pool of experts willing to regularly support the ALAC on pro-bono basis is still narrow, as incentives to carry out such work are not monetary.

One of the most useful partnerships is that with the professional legal internet portal www.infolex.lt. This website is dedicated to legal professionals and anyone interested in legal issues or searching for legal sources. The users of this site will be introduced to the internet tool developed by TI Lithuania and will be also encouraged to engage in discussions and provide their commentaries on a community board.

TI Lithuania has also been regularly in touch with the employees of ALACs from other countries. They often provided useful insights for the process, thus allowing TI Lithuania to compare their experience and search for the best solutions.

6.   Reports and Cases to Date

As already mentioned above, TI Lithuania has to this date been processing rather spontaneous inquiries from the public. The frequency of reports and inquiries from the public increased at times when TI Lithuania had more media coverage and publicity (up to 10 per week). Normally, as the service is not actively publicized, the rate of contact from the public can be around 2-3 contacts per week. The nature of phone-calls, emails and visits touches upon a wide range of issues, but TI Lithuania mainly focuses on requests for concrete legal advice (in its area of work), identification of next procedural steps or institutions to approach or, if possible, requests for contacts from the media. People were always encouraged to call back with update on their situation, although, due to legal restrictions (as TI Lithuania is only now acquiring the status of personal data controller) the information about the people and cases could not be fully recorded. This also meant that inquiries were usually dealt with on-spot or with one/two day break for preparation of relevant information.

Most often, however, the people who approached the Chapter could be successfully redirected to public procedures or institutions and helped out by thoroughly explaining their next steps and ways to fill in claims and other documents. On the other hand, a completely different group of those in final stages of legal processes emerged. These people, already experienced in dealing with public institutions, could usually be helped out by suggesting a completely

different way to approach their problem or, if possible, putting them in touch with the media to create publicity around the case.

Main insights from the reports dealt with to this moment could be the following:

- Two major groups of potential ALAC clients emerged: first group consists of those who are facing problems at early stages or have difficulties understanding necessary procedures or identifying the scope of their problems and correct ways to approach it; second group is composed of those who have already undergone several procedures (or even trials), tried out different ways and are either exhausting their resources or lacking a different approach at their situation.
- People often have difficulties disentangling complex problems and singling out concrete issues or prioritizing questions that can be worked at. Therefore, the role of the ALAC is to also help identify most imminent issues and direct people to institutions or procedures that are pertinent to the problem at hand;
- ALAC should position itself not as a final source of advice or an entity replacing the authorities, but rather as a credible translator of procedures to the public or intermediary among the public and the vast number of state institutions and agencies;
- As qualified legal advice cannot be provided concerning all the issues, even if they can potentially be related to corruption (there are such complex areas, such as land restitution after the soviet occupation), TI Lithuania has to clearly communicate the possible fields and also limits of its work (no secondary legal aid will be provided, i.e. no such activities as, for example, defence and representation in court).

7.   Outcomes

First of all, the establishment of an ALAC in Lithuania will be marked by launching the above described website towards the end of 2011 and also increasing the internal capacity of the staff to process reports and inquiries received via internet and helpline (2 new staff members with legal background joined the Chapter in the end of 2010).

Since an ALAC is seen not only as a platform to receive reports on corruption and seek for advice but also as a tool to detect structural problems and address them with broader advocacy activities, all the reports received in ALAC will make part of a comprehensive database. This database will not only allow collecting and reporting statistical data, but also researching and detecting the fields most prone to corruption, generating campaigns based on these findings and look for potential legal solutions to solve systemic problems.

Finally, the work of the ALAC should result in enhancing chapter's capacity, expertise and visibility on the national level.

8.   Future plans

TI Lithuania seeks to engage more and more people in the act of standing against bureaucracy and potential corruption and speaking up. The internet tool should provide this venue for people to easily report and also seek necessary advice. Also, the chapter has ideas of involving public institutions in this exercise of self-monitoring. Talks with several institutions have been conducted and they expressed deep interest in having a separate profile on the website to allow people to report on activities of their employees, in particular, in the regions, and also answer to specific questions within the field of their competence. This should very much strengthen the credibility of such electronic tool and also allow people receiving even more concrete feedback (already from the institution that potentially wronged them).

In addition to this, TI Lithuania is planning to establish a secure helpline. This will help promote secure reporting and also protection of whistleblowers.

Equally, the emphasis on preventive action will be placed in the future. People will be encouraged to approach us not only after they faced an alleged corrupt activity but already at the stage where they experience first obstacles in a certain procedure or have grounds to suspect bureaucracy or abuse of office.

The impact of the ALACS-Project: an Overview

I.

Designed as an approach aimed at a better understanding of how to integrate research and practice in the form of *action research,* the ALACs-Project has brought together practitioners, professionals and academics. The specific mechanism underlying this co-operation consists in project partners getting involved in a process of social learning in which, without giving up their roles and interests as laymen, professionals and scholars, they widen the scope of their knowledge about the issue of citizen participation. By taking each other's perspectives into account on thinking about and practically promoting civil society engagement, they forge a *community of reciprocal learning* and action based on common interest. Given the reciprocal nature of this co-operation, the social learning process initiated in this way does not have the character of scientific knowledge being put directly in practice, that is, in terms of an instrumental approach that simply applies conceptual schemes to living experience and practice. On the contrary, the knowledge generated in the frame of this kind of research work follows the principle of a grounded theory that arises out of concrete experiences and practices. This occurs either by way of conferring them conceptual vigour and general validity or mapping out fields and options for consolidating them into practicable and situation-specific action schemes. Both are interwoven aspects of an on-going mutual learning process, which partly generalises existing insights gained out of practice, and partly promotes them to benefit further work in the field of citizen engagement and anti-corruption.

Drawing upon the experiences of practitioners in the field, i.e. ALACs, the research work completed thus far has focussed on the issue of citizen engagement against corruption across different socio-political and cultural settings. Conducting field research in four countries during the first project phase has confirmed one of the main tenets of the project's conceptual frame, namely *ALACs as a management tool designed to meet distinct historical, socio-economic and cultural conditions and country specificities*. For example, in considering the degree of development of civil society structures, one can distinguish the specific weight placed by different ALACs on certain aspects of fighting against corruption. Whereas the ALACs in Azerbaijan and Bosnia-Herzegovina combine anti-corruption work with providing services intended to make up for certain deficiencies in public (state and local) administration, the ALAC in the Czech Republic functions as a professional agency firmly anchored in the

landscape of civil society pressure groups. Thus, the former tend more towards a traditional grass-roots movement model, while the latter focus more on legal expertise. Discriminating the work of the ALACs in this way has also proved to be a useful orientation scheme for classifying the ALACs worked with in the second project phase. Since corruption is almost exclusively confined to corporate exchange relations between politics and business, the function of the ALAC in Finland will have a much more limited scope than, say, the one in Lithuania, where phenomena of petty corruption are widespread and, consequently, the range of issues citizens are addressing is much wider.

In addition to such empirical support for the project's assumptions about socio-cultural specificity, evaluation of the research results from the first period had led to the formulation of suggestions for expanding certain services provided by the new ALACs. Since they are the result of observation and evaluative assessment of the functioning of long-existing ALACs, these recommendations for improving the anti-corruption CSOs do not, however, intend to impose binding guidelines that must be observed by the ALACs during their formation phase. There are definite reasons for this, the first one stemming directly from the aforementioned nature of the co-operation between academics and practitioners as one of mutual learning, i.e. efforts to expand the scope of practicable knowledge. Seen in this perspective, the recommendations drawn from the evaluation of the first-phase should be regarded as tentative expectations that have been shown to be relevant to the way the new ALACs will function. There is a second, closely related reason that these recommendations should be seen as empirically derived hypothesis to be controlled against the actual experiences of the new ALACs: this relates to the different time sequences that occurred in the establishment of these ALACs, the one in Hungary having been in operation over a year, and the one in Lithuania for only a few months before the second-phase research and monitoring started. Thirdly, the variable starting points and functions of the new ALACs to date have in part confirmed the project's tentative suggestions, and in part demonstrated how they can be reformulated to better meet country specificities and corruption cultures.

Turning now to the content of the recommendations it can easily be shown that the remarks above apply to a number of different facets of the anti-corruption work of the ALACs. One of the main suggestions concerns *a stronger focus on cooperation with whistleblowers*. Although the role of whistleblowers has become a main pillar in fighting corruption today, there is no uniform way of managing it, partly because there are different national laws regulating the

protection of whistleblowers. Regarding this aspect of national specificities, the first project evaluation of older established ALACs has shown that whistleblower protection is of critical importance in such countries as Romania and the Czech Republic, where everyday corruption is far less of a problem than grand scale corruption. The same holds true for the ALAC to be established in Finland. Since the main source of structural/systemic corruption is perceived to lie in the corporatist nature of the relations between politics and the business world, the issue of legal safeguards for those who want to break out of established 'Old Boys Networks' comes to the fore. Given the lack of adequate protection schemes for whistle blowers, in this case, the suggested stronger focus on whistleblowers (mainly from the business target group) can be specified as encouraging the Finnish Chapter to work more closely with or even exercise stronger pressure upon the Ministry of Justice and the Finnish government to initiate legislative measures. Conversely, it is, in part, the lack of whistleblower protection mechanisms that has motivated the establishment of the ALAC in Hungary. Given the recommendation *regarding the need to introduce legal whistleblower protection measures* in Azerbaijan, Bosnia and Herzegovina and the Czech Republic, it is readily apparent that once IT-Ireland identified a) the need to protect whistleblowers and b) the need give a voice to people who are facing an ethical dilemma in their workplaces as strategic priorities, it went on to exert considerable influence on official policies. This has resulted in the recent announcement by the government of its intention to strengthen the Freedom of Information Act and to introduce whistleblowers' legislation. TI Lithuania is also heavily engaged in working on this issue.

The realities of having to operate in specific and often quite different corruption cultures are reflected in the variety of designs concerning resources allocation, organisational arrangements and priority settings found in the various ALACs. Focussing on the *relative weight conferred to Legal Advice and Advocacy* the first ALAC evaluation formulated some tentative suggestions concerning the possible need to widen the scope of services provided in these two areas of anti-corruption work. Our recommendations on this issue are once again based on an observation of shifting priorities among the ALACS. While the service focus in Azerbaijan and Bosnia-Herzegovina is on legal advice, and in Azerbaijan, the new trend appears to be advocacy, the priorities set in Romania and the Czech Republic seem to be the opposite, with advocacy seen as the true core of ALAC work, of course, without neglecting the importance of legal advice. This observation confirms the central assumption behind the project's conceptual design, that as management tool, the ALAC configures the fit between

problems and solutions through a correlation of demand and supply and adjusts services provided to the nature of the local culture of corruption. This means that where 'street-level' corruption predominates, the client-centred legal advice component of the ALAC work will have priority, whereas in national contexts where this is much less the case, we observe a shift to prioritising public campaigns and advocacy strategies. Prioritising one of the pillars of the ALAC work depends of course on such external factors as the nature of political regime under which anti-corruption work must take place: Where, as in Azerbaijan, there is an oppressive regime which does not allow for much advocacy, the ALAC will be forced to concentrate on legal advice. The services supplied can thus generally be distinguished according to the urgency of the specific needs to which they are responding and/or the intensity of the problem they must address. Whereas legal advice directly benefits citizens on an everyday basis, advocacy strategies benefit individuals indirectly by promoting institutional and legislative changes that will help curb and prevent corruption in the long run. It comes as no surprise then to observe how the ALACs in Azerbaijan and Finland, which in a way represent the two ends of the spectrum, handle the matter of providing legal services. While in Azerbaijan, thousands of citizens have benefited from the legal assistance provided by the local ALAC, in Finland, the expectation is no that the ALAC will be called upon for help by large numbers of people.

As indicated in the first ALAC evaluation, while recommendations can be formulated to address *the issue of a possible extension of legal advice resources* in the sense of expanding the radius of people with direct access to them, it remains up to the individual ALACs to determine the range of the services they provide. While it makes good sense to see legal representation included among the services provided by the ALAC in Bosnia-Herzegovina, for the time being, it seems much less necessary for the ALAC in Finland. Following the scheme developed in the ALAC in the Czech Republic, the Hungarian ALAC handles the issue of legal advice cautiously; the Chapter's pro-bono lawyers only take on cases that comply with the requirements set out by TI Hungary, i.e. exclusively corruption cases. More convergent with the practise in Romania, the Irish 'Speak UP' provides free sourcing and referral to legal advisors for individuals who require legal advice and representation. In terms of extending the resources deployed for legal advice, the RTD recommendation for the extension of services can already be seen as being implemented by a new ALAC: The Irish Chapter draws upon the legal skills of numerous volunteers, who are given additional support

in legal matters by the Free Legal Advice Centres. In the case of Lithuania the pool of pro-bono experts deployed in legal assistance is still small.

<center>II.</center>

The following section describes the individual impact of the ALACS-Project in different countries, with examples from the various areas of activity where the ALACS-Project has had a noticeable impact. Overall, we may say that the impact of the ALACS-Project taken as a whole is felt in two distinct ways. The first dimension of impact is the shift to greater citizen participation, made possible with the funds available to the ALACS-Project. The second dimension concerns knowledge transfer between citizens and Transparency International, between individual National Chapters (NCs), and between NCs and Transparency International Secretariat (TIS). In this dimension of impact, the ALACS-Project provides both the framework and the space for a reciprocal learning platform.

In the case of ALACs founded in Finland, Hungary, Ireland and Lithuania, it is worth noting that these ALACs could not have been established in their present form without financial aid from the European Commission, which amounted in each case to 60,000 EUR. Without this financial support from the ALACS-Project, the work of NCs in these countries would today be rather different. Likewise, all ALAC experts interviewed agreed that the ALACS-Project has had a consistently positive effect on the work of NCs on the ground, though in different ways in each case. New avenues have been opened up for citizen participation in the fight against corruption, and these channels would have remained closed without the financial means available through the ALACS-Project. For instance, the ALACS-Project funds not only enabled the development and maintenance of special ALAC websites, but also made it possible to set up and staff ALAC hotlines.

Countries which had already founded their own ALACs (Azerbaijan, Bosnia-Hercegovina, the Czech Republic, Romania) also profited from the ALACS-Project. In these instances the benefit was not primarily financial, although these countries also received a grant of 10,000 EUR, but rather, the impact came from the particular form of reciprocal, shared learning which is so typical for the ALACS-Project. Workshops organised by TIS and the ALACs created a frame for shared learning and a place for the exchange of concrete knowledge. Here ALAC experts from all countries involved in the project could exchange experiences and share their successes, as well as discussing the obstacles they encounter in the course of their daily work. So far, three such workshops have been organised, convened on site at TIS Berlin; a kick-off meeting at the beginning of the project, a workshop on knowledge transfer between the old and new ALACs, and a workshop to launch the new ALAC software.

Viewed from the perspective of relations between ALACs and their respective NCs, the ALACS-Project's lasting impact is most visible in the way that ALAC work has become professionalised, through the creation of positions or through a more visible and extensive web presence. Funding from the ALACS-Project makes it possible to cover budgets for several years. This also makes the structures of each chapter more stable.

The ALAC project also makes the NCs' work more sustainable in the long run. Since the ALAC project is a fixed part of each NC, existing management structures and capacity can be expanded and improved. However, synergies between ALAC and NCs do not take place only at this organisational level. The work of raising public awareness has benefitted particularly from the introduction of ALACs. Interview partners confirmed this aspect in all cases, emphasising that the ALACS-Project was especially well suited to public relations and communication. Targeted media campaigns, aiming for instance to draw public attention the topic of whistleblowers, or the introduction of a hotline, can give TI concerns and projects a clear profile in public awareness.

In judging the impact of the ALACS-Project on TI's anti-corruption network as a whole, indisputably the most significant impact was in the development of ALAC software. This will take all aspects of ALAC work to the next level, especially where case management, systemic hange and advocacy are concerned. Introduction of the ALAC software is a precondition for implementing unified data-handling processes, allowing complaints and cases submitted to each ALAC to be entered up in a systematic manner and evaluated for statistical purposes. A growing database on cases and aspects of corruption strengthens the reputation that NCs and ALACs have as experts in the field. Further, data from many countries, collected and processed via this software, will be centrally stored and sifted, allowing comparisons between countries. Data is thus collected according to a standard procedure in all countries and centralised, making TI's reports and pronouncements on corruption more reliable, and strengthening TI's position and legitimacy as the leading global anti-corruption coalition.

Last but not least, impact on other institutions should be mentioned. This form of impact concerns the international academic community, as well as consultancy work for such international organisations as the UNO. Thus, for instance, on 2nd-5th June the Law and Society Association 2011 Annual Meeting took place in San Francisco, California; session CRN03: "Mobilizing Citizens in the Fight against Corruption" was organised by Prof. Ralf Rogowski, University of Warwick, a partner of the ALACS-Project, and the project coordinator Prof. Dirk Tänzler took part along with his Head of Office, PD Dr Angelos Giannakopoulos. Dr Tänzler and Dr Giannakopoulos were also invited by the UN Division for Public Administration and Development Management, Department of Economic and Social Affairs to take part in an Expert Group Meeting and workshop on "Engaging Citizens

to Enhance Public Sector Accountability and Prevent Corruption in the Delivery of Public Services" on 7th-8th and 11th-13th July 2011 in Vienna. Further, the same UN directorate invited Dr Giannakopoulos to participate in another workshop on "Engaging Citizens to Counter Corruption for Better Public Service Delivery and Achievement of the Millennium Development Goals" on 26th-27th October 2011 in Marrakesh, Morocco, as part of the Conference of States Party to the United Nations Convention against Corruption. Both members of the ALACS-Project Research Group will also contribute to a UN directorate publication on the subject, writing on what the ALACS-Project has learnt about more effective citizen engagement against corruption.

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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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