Corruption

General Information

The Law of the Republic of Belarus of July 15, 2015 "On the Fight Against Corruption" defines the fundamentals of the state anti-corruption policy (hereinafter referred to as the Anti-Corrucption Law, the Law). The Law defines the concepts of corrupt activities and sets out the main provisions on measures and methods for preventing crimes in this area.

According to Article 1 of the Anti-Corruption Law, **corruption** means:

deliberate use by a public official or a person equivalent to him or a foreign official of his official position and related opportunities for the purpose of illegally obtaining property or other benefits in the form of work, services, patronage, promises of advantages for himself or for third parties;

bribery of a government official or a person of equal status or a foreign official by providing them with property or other benefits in the form of work, services, patronage, promises of benefits for them or for third parties so that this public official or a person of equivalent status or a foreign official a person has committed actions or refrained from committing them in the performance of their official (labor) duties, as well as the commission of these actions on behalf of or in the interests of a legal entity, including a foreign one.

Conflict of interests

According to Article 1 of the Anti-Corruption Law, a **conflict of interest** is a situation in which the personal interests of a public official, his spouse, close relatives or in-laws affect, or may affect, the proper performance by a public official of his official (labor) duties under making a

decision or participating in making a decision or performing other actions related to the service (work).

When classifying a situation as a conflict of interest, each of the elements specified in the legislative definition of a conflict of interest should be taken into consideration:

- a public official in whose activities a conflict of interest arises;
- the existence of a personal interest of a public official, his spouse (wife), close relatives or in-laws (the list of subjects is exhaustive);
- the public official has specific duties in the service, which may be affected by personal interest (making a decision or participating in the decision-making or performing other actions in the service (work));
- the fact of the influence of personal interest on the proper performance of official duties or the existence of a real possibility of such influence.

Part 1 of Article 21 of the Anti-Corruption Law establishes **the duty of a public official to notify in writing his/her head**, in whose direct subordination he/she is, **of the occurrence of a conflict of interest or the possibility of its occurrence, as soon as he/she becomes aware of it**, and has the right in writing form to declare self-withdrawal from decision-making, participation in decision-making or other actions in the service (work) that cause or may cause a conflict of interest. The head may not accept the self-withdrawal declared by the public official and in writing oblige the public official to perform appropriate actions in the service (work).

The basis for not accepting self-withdrawal is the absence of a conflict of interest or the possibility of its settlement in other ways.

Responsibility for violation of the Law

The basis for the onset of **legal liability** is the established fact that a person has committed an offense that creates conditions for corruption (Article 25 of the Law on the Fight against Corruption), a corruption offense (Article 37 of the Law on the Fight against Corruption) or his failure to comply with certain requirements of anti-corruption legislation.

Liability may be **criminal, administrative, civil, material and disciplinary**.

Legislative acts

- Law 305-3 of the Republic of Belarus
  On the Fight Against Corruption
- Methodological Recommendations for Organi-zing Anti-Corruption Work in State Bodies and Organizations

- Criminal Code of the Republic of Belarus
- Labor Code of the Republic of Belarus
- Code of the Republic of Belarus
  On Administrative Offenses
- Law of the Republic of Belarus dated 14.06.2003 On Public Service in the Republic of Belarus
- Law of the Republic of Belarus dated 04.01.2014 On the Basics of Crime Prevention Activities
- Law of the Republic of Belarus dated October 28, 2008 On the Basics of Administrative Procedures
- Law of the Republic of Belarus dated July 13, 2012 On Public Procurement of Goods (Works, Services)
- Decree of the President of the Republic of Belarus dated December 15, 2014 No. 5
  On Strengthening the Requirements for Management Personnel and Employees of Organizations
- Decree of the President of the Republic of Belarus dated December 17, 2007 No. 644

On Approval of the Regulations on the Activities of the Coordinating Meeting on Combating Crime and Corruption

- Decree of the Council of Ministers of the Republic of Belarus dated December 26, 2011 No. 1732 On Approval of the Model Regulations on the Anti-Corruption Commission
- Decree of the Council of Ministers of the Republic of Belarus dated January 16, 2016 No. 19 On Certain Issues of Declaring Income and Property by Civil Servants and Other Categories of Persons
- Decree of the Council of Ministers of the Republic of Belarus dated June 13, 2017 No. 445 On Approval of the List of Complex and Multi-Stage Administrative Procedures Carried Out by Authorized Bodies in Relation to Citizens (Except for Individual Entrepreneurs)

List of criminally punishable corruption crimes

- theft by abuse of official powers;
- legalization (“laundering”) of material assets acquired by criminal means, committed by an official using his official powers;
- abuse of power or official authority out of selfish or other personal interest;
- inaction of an official out of selfish or other personal interest;
- abuse of power, excess of power or inaction of power, committed out of selfish or other personal interest;
- excess of power or official authority out of selfish or other personal interest;
- illegal participation in business activities;
- receiving a bribe;
- giving a bribe;
- mediation in bribery.

List of administrative corruption crimes

- violation of the procedure for using budget funds, state extra-budgetary funds or organizing public procurement of goods (works, services);
- violation of the requirements for the procedure for the procurement of goods (works, services) at their own expense);
- violation of the procedure for conducting procurement procedures during construction;
- violation of the procedure for holding tenders and auctions;
- violation of the procedure for the provision and use of gratuitous (sponsored) assistance;
- petty theft of property by abuse of official authority, as well as attempted such theft;
- and etc.

The commission of corruption offenses and offenses that create conditions for corruption may entail **civil liability**. For example, auctions conducted in violation of the rules established by law may be declared invalid.

The procedure for bringing to **disciplinary responsibility** is established by law. For example, the procedure for applying disciplinary measures for disciplinary offenses is determined by Chapter 14 of the Labor Code. In order to ascertain the presence of a corruption offense or an offense that creates conditions for corruption in an act, it is necessary to establish all the signs of the relevant act.

A person who has committed a corruption offense or an offense that creates conditions for corruption may be held **financially responsible**. The limits of an employee’s liability for violations are established by law, a collective agreement and (or) a contract, an agreement on full liability.

Anti-Corruption Commission

According to the Law on Corruption, every state enterprise and organization of the Republic of Belarus must take measures to prevent and detect corruption crimes. For this purpose, **a special anti-corruption commission** headed by the director of the institution was created at the State Institution "Belsportobespechenie".

The main goal of the commission is to carry out activities to prevent and detect corruption crimes and conflicts of interest.

In its activities, the commission is guided by the current legislation in the field of combating corruption, as well as the "**Methodological recommendations for organizing anti-corruption work in state bodies and organizations**".

The Main Tasks of the Commission

- accumulation of information on violations of anti-corruption legislation committed by employees of a state body (organization), subordinate organizations;
- generalization and analysis of incoming information about violations of anti-corruption legislation by employees of a state body (organization), subordinate organizations;
- timely identification of corruption risks and taking measures to neutralize them;
- development and organization of anti-corruption measures in the state body (organization), subordinate organizations, analysis of the effectiveness of the measures taken;
- coordination of activities of structural divisions of the state body (organization), subordinate organizations for the implementation of anti-corruption measures;
- interaction with state bodies engaged in the fight against corruption, public associations and other

organizations on anti-corruption issues;

- consideration of issues of prevention and settlement of conflicts of interest;
- consideration of issues of compliance with the rules of ethics of a civil servant (corporate ethics);
- taking measures to eliminate the consequences of corruption offenses, offenses that create conditions for corruption, and other violations of anti-corruption legislation.

Members of the commission regularly meet at special meetings to discuss legislation, plan measures to prevent corruption risks and crimes, discuss the information received on identified cases of corruption offenses, etc. The frequency of meetings is determined by the management of the organization in accordance with the Decree of the Council of Ministers of the Republic of Belarus dated December 26, 2011 No. 1732 “On Approval of the Model Regulations on the Anti-Corruption Commission”. A protocol is issued at the end of each meeting.