

ANTI-CORRUPTION PROGRAMMES, STUDIES AND PROJECTS IN ESTONIA 1997- 2009: AN OVERVIEW

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This Estonian report is made for the international research project "Civil society as anticorruption actor. What makes it work?" initiated by Romanian Academic Society. The general sample is including all Estonian anti-corruption programmes, audits and projects from 1998 to 2009. Both international donors' reports and local projects were analysed. The analysis of the local anti-corruption projects shows that usually there is available the information on planned outputs, outcomes and impacts of the projects, in many cases we can find also the achieved outputs and outcomes, but in most cases there is no concrete public information available on real impacts and sustainability factors of the anti-corruption projects.

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Executive summary

This Estonian report is made for the international research project "Civil society as anticorruption actor. What makes it work?" initiated by Romanian Academic Society. The general sample is including all Estonian anti-corruption programmes, audits and projects from 1998 to 2009 in following categories: A) anti-corruption programmes, implementation reports and audits (as institutional/budgetary framework; n = 14); B) research projects (e.g. input for anti-corruption trainings and public debates, n=25); C) other anti-corruption projects and grants (e.g. action-plans, trainings, networking, publications. It is the most important part; n = 22); D) Ongoing anti-corruption programmes and projects in Estonia (n = 6); E) articles, publications. The detailed content analysis of project documentation was initiated only in those cases (B and C), where the corruption is main theme in the project and more or less related to local NGO-s activities (database: n = 25 projects, 1998-2009).

Both international donors reports and local projects were analysed. The analysis of the local anti-corruption projects shows that usually there is available the information on planned outputs, outcomes and impacts of the projects, in many cases we can find also the achieved outputs and outcomes, but in most cases there is no concrete public information available on real impacts and sustainability factors of the anti-corruption projects.

Keywords: corruption, anti-corruption, programmes, projects, awareness, interaction, impact assessment.

1 Introduction

The following Estonian overview is made for the international research **project “Civil society as anticorruption actor. What makes it work?”**¹

We are mapping all related anti-corruption programmes, research and development projects and researching under what circumstances civil society is an effective anticorruption actor, and what type of project seems to work. The interval we are looking at is from the first year of Nations in Transit reports (or Transparency International [TI] reports) - roughly from 1997 until 2010.

In addition, the Estonian overview and database will be given to the Estonian Social Science Data Archive (sub-database on anticorruption studies for the academic and public use).²

2 Methodology

According to the draft methodology designed by Laura Stefan SAR team, **firstly** „we document and download (or write to ask for) as many anticorruption projects as possible. We are interested in any anticorruption projects with a civil society component.” After preliminary observations of the data and documents available we decided to create a draft database, which will be sent for the updating³ to the experts/organizations/institutions dealing with anti-corruption programmes, research and other projects in Estonia. In the draft database the unit is the project (see Appendix 3a).

We designed a bit the preliminary draft methodology adding the description of two stage sampling. **Secondly**, we analysed and are making a summary of research findings and expert opinions dealing with civil society as an anti-corruption actor, also different outcomes of anti-corruption projects, e.g. main problems and solutions/proposals (table 3),

¹ The leading researcher of the project is **Laura Stefan (anticorruption expert, Romanian Academic Society - SAR)** and the project is funded by **Open Society Institute Think-Tank Initiative (Budapest)**. Participation of Estonian partners is partly related to the article dealing with relations of political motivation and anti-corruption programmes: [Bryane Michael & Aare Kasemets \(2007\) The Role of Initiative Design in Parliamentary Anti-Corruption Programmes. The Journal of Legislative Studies. 13. 280-300](#)

² Estonian Social Science Data Archive <http://www.psych.ut.ee/esta/essda.html> and its European network <http://www.cessda.org/>

³ E-mails to Estonian experts (Jan/Feb/March). // „We ask for your help in 3 questions: 1) updating the general sample (table 1); 2) updating project information made/commissioned by your organisation, e.g contact information (Appendix 3); c) If needed and possible, a short skype-interview..

links between research and other activities (e.g. awareness campaigns, trainings, publications, policy proposals) and the possible impact indicators measuring the interactive influence⁴ of NGO networks to the effectiveness of anti-corruption programs and projects.

Thirdly, we can analyse and compare with other CEE countries what makes the civil society work as an anticorruption actor and what kind of measures are working better than others. One of the outcomes of this analysis is the feedback for the donors, NGO networks and public authorities.

2.1 Information Sources: Estonia

- Ministry of Justice www.just.ee and Anti-Corruption studies <http://www.korruptsioon.ee/9380>
- Ministry of Interior: <http://www.siseministeerium.ee/29949/>
- Open Estonian Foundation (Avatud Eesti Fond): <http://www.oef.org.ee/index.php?id=121>
- Jaan Tõnisson Institute : www.jti.ee/?s=25
- Transparency International Estonia (MTÜ Korruptsioonivaba Eesti): www.transparency.ee
- Network of Estonian Nonprofit Organisations (NENO): <http://www.ngo.ee/>
- National Foundation of Civil Society – supported projects: <http://www.kysk.ee/?s=97>
- Journal of Estonian Parliament (Riigikogu Toimetised): <http://www.riigikogu.ee/rito/index.php>
- Estonian State Audit Office, audit reports: <http://www.riigikontroll.ee/?lang=en>
- Estonian Health Insurance Fund: <http://www.haigekassa.ee/eng/>
- Estonian Research Information System (Eesti Teaduse Infosüsteem): www.etis.ee
- University of Tartu Library - <http://tartu.ester.ee>

⁴ According to former studies (e.g. Michael & Kasemets 2007) the interaction of researchers, NGO networks and mass media can raise the political motivation in combination with political capital (votes) and create preconditions for better regulation and good governance.

- Estonian Social Science Data Archive: <http://www.psych.ut.ee/esta/essda.html>.
- Statistics Estonia: www.stat.ee/statistics .

2.2 Sampling

The general sample is compiled on the bases of over mentioned web sites. In addition to project reports available via Internet there was used also articles, summaries, financial year reports of NGOs, information requests, social science data archives etc.

In the **general sample** there are four different categories, e.g. A) anti-corruption programmes, its implementation reports and audits (as an institutional and budgetary framework for different activities and projects);⁵ B) studies and research projects dealing with anti-corruption issues (e.g. input for training programmes and public debates); **C) other anti-corruption projects and grants (action-plans, trainings, networking, publications etc – NB! It is the most important part for the SAR project)**; D) Ongoing programmes and projects dealing with anticorruption issues (see Table 1); E) articles, publications (see Appendix 2).

The **sample forming** was based on research and other projects (see Table 1 B and C) dealing with corruption in Estonia from 1997 to 2009. The detailed content analysis of project documentation was initiated only in those cases, where the corruption is main theme in the project (see table 1 B and C: 5 or 4 points) and the role of civil society actors (NGO-s) were also observed. The database of the sample is available in separate Excel table (Appendix 3b). According to expectations of SAR team, the database includes mostly the research and awareness development projects developed internally, within the country by local NGOs or by Estonian public authorities in close co-operation with NGO-s. We are looking for the trends in Estonia and what the role and impact of civil society has been on anti-corruption in general framework of public interactions.

The general sample in Table 1 is mapping all anti-corruption programmes and projects available to give an overview about anti-corruption measures and possible intersectoral

⁵ Anti-corruption programmes, its implementation reports and audits (as an institutional and budgetary framework) are the source for follow-up analysis. The problem is that the information about smaller contracts and projects is not always available via web sites. To find this information there is a need to analyse the annual working plans of ministries and governmental agencies.

transactions. We are observing all those programmes (A), audits and projects (B, C, D) as an input and information source for different activities of civic anti-corruption networks (e.g. trainings and new projects).

**Table 1: Anti-Corruption programmes and projects in Estonia since 1998:
general sample**

Name of the programme, audit, project etc	Period	Sponsor/Donor	Implementation	Corruption is: main theme > 5-4-3-2-1 < subtheme	Connection to NGOs: strong > 5-4-3-2-1 < low
**projects, which are in the appendix 3b and in detailed database (xls)					
				Draft assessment by team	
A. PROGRAMS, PERFORMANCE REPORTS AND AUDITS (institutional framework of activities/projects: not added into database)					
Baltic Anti - Corruption Programme	2004	Open Estonia Foundation	Jaan Tõnisson Institute	5	2
Governmental Anti-Corruption Strategy "Honest State" 2004-2007	2004 2005 2006 2007	Estonian Government	Estonian Ministry of Justice in co-op with other ministries, State Chancellery and National Audit Office	5	2
Institutional support for Society Corruption-Free Estonia	2006-2009	Open Estonia Foundation	TI-Estonia (Korruptsioonivaba Eesti MTÜ)	2	5
Preventing Corruption in Job Management of Districts and Towns**	2009	National Audit Office of Estonia (planned audit)	National Audit Office of Estonia	5	2
"DEFENCE OF SECURITY AND FREEDOM" SUB-PROGRAMS	2009-2010	EC and Estonian Government	Ministry of the Interior	3	2
Good Governance Program, e.g institutional support for Society Corruption-Free Estonia	2007	Open Estonia Foundation & Soros Foundation	Open Estonia Foundation > TI-Estonia	2	5
* Strategy Against Corruption 2008-2012	2008	Government, Ministry of Justice	Ministries and Government offices	5	3
* The Implementation Plan of Implementing Law Against Corruption 2008-2012	2008	Estonian Government	GOVERNMENT OFFICES	5	2
Performance Report for 2008 of the Anti-Corruption Strategy 2008-2012	2009	Estonian Government; Ministry of Justice	Ministry of Justice	5	2
Performance Report for 2009 of the Anti-Corruption Strategy 2008-2012	2009	Estonian Government; Ministry of Justice	Ministry of Justice	5	2
„Defence of Security and Freedom “ - Sub-programs	2010	European Commission	Estonian Ministry of the Interior	3	2
14					
B. ANTI-CORRUPTION RESEARCH PROJECTS AND STUDIES					

Sociological surveys "The State and the Society"	1996-2002	Estonian Parliament	AS Saar Poll	1	2
CORRUPTION LIMITATION IN TRANSITIONAL SOCIETY (LEGAL ASPECT)**	1999-2001	Open Estonia Foundation	Estonian Legal Centre (Eesti Õiguskeskus)	5	2
Sociological public opinion survey „Research About Corruption Distribution in Estonia“**	2001	Open Estonia Foundation	Jaan Tõnisson Institute in co-op with AS Saar Poll	5	2
The Health Sector and Licensing in Estonia **	2002	Min of Social Affairs, Estonian Health Insurance Fund.	Estonian Health Insurance Fund. Turu-uuringute AS	3	1
EUMAP (EU Monitoring and Advocacy Program) Report about Corruption**	2002	PHARE and Open Society Institute	Jaan Tõnisson Institute	5	2
Analysis of the Public Information Law	2003	Transparency International	Jaan Tõnisson Institute	4	1
Study: „Access to the Public Information in Estonia“**	2003-2004	Open Estonia Foundation	Jaan Tõnisson Institute (Centre for Corruption Analyses)	3	3
Sociological study „Corruption Research“ **	2004	Ministry of Justice	Research was carried out by AS Turu-Uuringud	5	2
„Corruption in Estonia: survey of three target groups“**	2005-2006	Ministry of Justice	MoJ, University of Tartu, Emor	5	3
„Development of Local Governments Public Internal Financial Control (PIFC) System“**	2005	EU PHARE Program	Ministry of Finance subcontract	5	2
“Transparency Through Awareness“**	2005	TI	Jaan Tõnissoni Instituut	5	3
The Roles and Attitudes of Civil Servants in Estonia	2005	State Chancellery	Tallinn University, EMOR	1	2
National Democracy Study	2006	Open Estonia Foundation	Open Estonian Institute	2	4
ESTONIA: PHASE 1. REVIEW OF IMPLEMENTATION OF THE CONVENTION AND 1997 REVISED RECOMMENDATION.	2006	OECD	OECD	4	2
Analysis of the system of asset declaration in Estonia	2006	Ministry of Justice	Ministry of Justice	3	1
„Corruption in Estonia: survey of three target groups“**	2006-2007	Ministry of Justice	Ministry of Justice, University of Tartu, EMOR	5	2
Study on „Protection of Whistleblowers in Estonia“ **	2007	Transparency International	Ti.ee & Corruption-Free Estonia	4	2
Criminal statistics on corruption 2007	2008	Ministry of Justice	Ministry of Justice	5	1
REPORT ON THE APPLICATION OF THE CONVENTION ON COMBATING BRIBERY OF FOREIGN PUBLIC OFFICIALS IN INTERNATIONAL BUSINESS TRANSACTIONS AND THE 1997 RECOMMENDATION	2008	OECD	OECD	5	1
PROJECT "ESTONIAN COURTS –	2008-	Open Estonia	Transparency	5	4

PART OF POWER STRUCTURE, WHICH NEED MONITORING***	2009	Foundation	International Estonia (in co-op with Voluntary Activity Development Centre)		
Research „Transparency in Estonian Journalism“	2009	Ministry of Justice	Transparency International Estonia (in co-op NGO Estonian Journalism Training and Research Centre)	5	2
The Health Sector and Licensing in Estonia (Public opinion survey of stakeholders)**	2009	Ministry of Social Affairs, Estonian Health Insurance Fund	Estonian Health Insurance Fund. Turu-uuringute AS	3	1
The Roles and Attitudes of Civil Servants in Estonia	2009	State Chancellery	EMOR TNS	1	2
Whistleblower Protection Assessment Report on Estonia.	2009	European Commission - DG Justice, Freedom and Security; in co-op with Transparency International	Transparency International Estonia	5	2
Criminal statistics on corruption 2008	2009	Ministry of Justice	Ministry of Justice	5	1
Preventing Corruption in Job Management of Districts and Towns.	2009	National Audit Office of Estonia	National Audit Office of Estonia	5	2
25					
C. ANTI-CORRUPTION PROJECTS AND GRANTS (TRAINING, NETWORK, ETC)					
Rising Public Awareness on Corruption (Korruptsiooni teadvustamine avalikkusele)**	1998	Open Estonia Foundation	Jaan Tõnisson Institute	5	4
Grant for participation at the conference/network „Corruption in Post-Totalitarian States,“ (Amaty, September 15-16)	1998	Open Estonia Foundation	AGU LAIUS	5	2
Grant for participation at the joint anti-corruption seminar/network organised by Princeton University and Central European University (01-03.11.1999)	1999	Open Estonia Foundation	Ene Andresen, Michael Gallagher	5	2
Grant for participation at the seminar/network "Corruption in the CEE countries in the turn of the century" (16.-19.09.1999 Ljubljana)	1999	Open Estonia Foundation	Ramil Pärdi	5	2
Project "Corruption-Free Estonia"***	2000	Open Estonia Foundation	Jaan Tõnisson Institute	5	3
Project "Increasing Transparency of the Democratically Elected Institutions by Educating the Members of Those Institutions"***	2001	Westminster Foundation for Democracy	Jaan Tõnisson Institute	4	1
Publication (collection of articles)	2001	Open Estonia	Jaan Tõnisson Institute	5	2

„Corruption Possibility in Public Sector“		Foundation			
Increasing the Awareness of Estonian, Latvian and Lithuanian public Servants and Journalists about Internal Audit and Political Corruption**	2002	Open Estonia Foundation	Jaan Tõnisson Institute	5	1
Increasing Public Awareness Problems Connected to Corruption using webpages, Newspaper „Sõnumileht“ and Broadcasting**	2002	Open Estonia Foundation	Jaan Tõnisson Institute	5	3
Translating and Adapting TI Anti-Corruption Handbook**	2002	Open Estonia Foundation	Jaan Tõnisson Institute	5	2
„Reducing Corruption in Estonia“ / (training and risk assessment)	2003	European Commission, Phare.	Ministry of Justice	5	2
Strengthening the Local Government System Integrity by training Public Servants**	2004	Open Estonia Foundation	Jaan Tõnisson Institute	4	1
Project "New Civil Servants – A Customizing Training"***	2004	EU and The State Chancellery of the Republic of Estonia	Association of Municipalities of Estonia in co-op with Estonian Legal Centre	2	1
Project "Preventing Corruption in the Level of Local Governments"	2007	European Social Foundation?	Association of Municipalities of Estonia (AME)	5	1
Managing Conflicts of Interest in the Public Sector: A Toolkit (OECD 2005, translation)	2007	OECD, The State Chancellery	The State Chancellery	3	1
National wide corruption preventing project "Fight Against Corruption in Local Governments"	2007	Estonian Ministry of the Interior	Police North -Prefecture	5	3
Manifesto of NGO-s prior the parliamentary elections	2007	Open Estonia Foundation and	NENO – www.ngo.ee	1	5
Project "Establishing Civil Society Network Fighting Against Corruption"***	2008 (1 st stage)	National Foundation of Civil Society	Transparency International - Estonia	5	5
Project "With Business Ethics Against Corruption"***	2009	Nordic Council of Ministers' Office in Estonia	Transparency International - Estonia	5	2
Project " Preventing Corruption in Estonian Journalism**"	2009	Ministry of Justice	Transparency International - Estonia	5	4
Manifesto of NGO-s prior the local government (municipalities) elections	2009	Open Estonia Foundation	NENO – www.ngo.ee	1	5
Information campaign for business leaders, once a year, e.g. seminars: 17.02.09 „Cartel crimes and programs against them“.	2008, 2009	Estonian Ministry of Justice	Estonian Ministry of Justice in co-op with Estonian Chamber of Commerce and Trade and TI-Estonia	5	2

17.02.10 „Honest business in the states, where honest business is impossible“.					
22					
D. ONGOING ANTI-CORRUPTION PROJECTS (NOT ADDED INTO DATABASE – APPENDIX 3B)					
Blowing the Whistle Harder: Enhancing Whistleblower Protection in the European Union	2009-2010	European Commission - DG Justice, Freedom and Security	Transparency International Estonia	4	2
„Establishment of anticorruption network of non-governmental organisations“	2008-2010	National Foundation of Civil Society	Transparency International Estonia	5	5
National survey of corruption	2010 (May)	Ministry of Justice	Ministry of Justice in co-op with EMOR	5	2
Curbing corruption by enhancing Estonian private sector integrity	2010-2011	National Foundation of Civil Society	Transparency International Estonia	5	3
“Enhancing Internal Supervision Capacity of Local Governments in Estonia”	2010 - 2011	Partnership For Transparency Fund	Transparency International Estonia	5	2
National Integrity Study	2010 - 2012	European Commission - DG Justice, Freedom and Security	Transparency International Estonia	5	3
6					

06.04.2010 - Aare Kasemets , Hermo Kuusk and Ülle Lepp in co-operation with Mari-Liis Sööt, Agu Laius, Kelly Grossdahl, Liina Kuusik, Asso Prii and Anna Markina (see appendix 1)

2.3 Some observations, limitations and problems

- In many projects the corruption is an important sub-topic, but there are no impact indicators available. Corruption subject is changing more important topic from beginning of 2001 and from since the sub-themes of corruption are considered more concrete.
- Also, in last decade the discussion on different forms of corruption became more actual in the public administration and media debates.
- In many cases the international studies (TI, Freedom House, GRECO etc) and their communication has been an important impact factor to rise the public awareness on corruption. The results of the studies are used as inputs for local projects.
- On the other hand there are not so many research and other projects available where corruption topic is closely connected with NGO-s activities as a main theme.

- The information in the public databases is not sufficient to answer all questions in the database (Appendix 3a-b). In most cases there is a need for an additional study.
- Some research centres and NGO-s have finished their work and their websites are closed.
- Governmental anti-corruption programmes, its implementation reports and audits (part of institutional framework) are the source for follow-up analysis. The information about smaller contracts and projects is usually not always available via web sites. To find this information there is a need to analyse the annual working plans and reports of the ministries.
- Comparative analysis of projects expected outcomes and impacts in different CEE countries will be problematic due to different institutional framework (e.g. cultural, normative etc subsystems and routines in 3 sectors, number of population and/or NGOs, hierarchies etc).

3 Overview of international and local anti-corruption initiatives: Estonia

3.1 Context

The international research project "Civil society as anticorruption actor. What makes it work?" coordinated by Romanian Academic Society (SAR) and funded by Open Society Institute (Budapest) is providing a good framework to create a complex overview on all interrelated anti-corruption programmes, research and awareness development projects focusing on question *under what circumstances civil society is an effective anticorruption actor, and what type of project seems to work?* The project is also giving a feedback to donors on less or more effective measures in different CEE countries and possibility for learning processes.

3.2 International donors programmes and reports on Estonian situation

3.2.1 Council of Europe/GRECO⁶

According to GRECO reports and other studies dealing with legislative regulation of anti-corruption measures, the legal framework is developed quite well in last decade except 3-4 fields: a) transparency of party funding, b) public procurement in the local authorities; c) some important details of Penal Code related to Council of Europe and OECD recommendations (see p. 3.2.5).⁷

Expert opinion about rating: best fit 5-4-3-2-1-0 least fit.

Legal framework: examples on sanctions

Giving a bribe and accepting a bribe are punishable by between 1 and 5 years of imprisonment or, in case of aggravating circumstances, between 2 and 10 years. As for granting of gratuities and accepting of gratuities, sanctions range between a pecuniary punishment and up to 3 years' imprisonment; in aggravated cases, the same acts are punishable by 5 years' imprisonment at most. In the case of passive bribery offences, further aggravating circumstances are acts committed by request, by a group or on a large-scale-basis (i.e. the value of the bribe or gratuity is at least 100 times the monthly minimum salary and therefore ca 27,000 EUR). Sanctions for arranging a bribe and arranging a receipt of gratuities range between a pecuniary punishment and up to 1 year of imprisonment; in case of aggravating circumstances, the same acts are punishable by a pecuniary punishment or imprisonment for at most 3 years. In all of these cases of bribery offences, the acts committed by a legal person are punishable by a pecuniary punishment and in aggravated cases, by a pecuniary punishment or compulsory dissolution. Pursuant to section 44 (6, 8) **Penal Code** (PC), a pecuniary punishment may be imposed as a supplementary sanction together with imprisonment or, in the case of a legal person, with dissolution. Section 49 PC provides that a court may deprive a convicted offender of the right to hold a certain position or operate in a certain area of activity for up to 3 years if the person is convicted of a criminal offence relating to abuse of professional or official status or violation of official duties. Section 16 of the **Public Service Act** enumerates the persons who are not to be employed in service such as, for example, a person under preliminary investigation for or a person accused of a criminal offence for which the law prescribes imprisonment (which is the case with giving or accepting a bribe), or a person who has been punished for an act of corruption. Section 38 of the **Public Procurement Act** provides that persons under sanction for certain offences, including offences related to office, are prohibited from participating in public procurement procedures.

⁶ Estonia joined GRECO in 1999. The Evaluation Reports (2001a-b, 2003, 2004, 2007) are available on GRECO's homepage (<http://www.coe.int/greco>).

⁷ Estonia is not represented in the Global Integrity Report available at <http://report.globalintegrity.org/globalIndex.cfm>

The **Estonian Penal Code**, which was completely revised in 2002 and last amended in 2007, provides a fairly sound basis for the criminalisation of the various corruption offences. Likewise, the officials interviewed during the on-site visit considered the existing criminal laws sufficient and the enforcement framework satisfactory, explaining the limited case law by the recent legislative reforms and by the small size of the country. The GET identified a number of inconsistencies and deficiencies in the existing system as compared with the standards of the **Criminal Law Convention on Corruption** (ETS 173) and its Additional Protocol (ETS 191). On the basis of the legislation in force, the GET recommends to ensure that active and passive bribery of members of domestic public assemblies, members of foreign public assemblies and international parliamentary assemblies are criminalised in accordance with Articles 4, 6 and 10 of the Criminal Law Convention on Corruption (ETS 173). Also, the GET can conclude that the scope of section 288 (2) PC does not fully meet the requirements of Articles 7 and 8 of the Convention which refer to "any persons who direct or work for, in any capacity, private sector entities".

Given that the fight against corruption is one of the priorities of Estonian criminal policy since 2004, that a new anti-corruption strategy was launched in 2008, the GRECO recommendations should be seen as a timely contribution to the ongoing reform process.

In view of results of analyses, GRECO (2008) addresses the 8 recommendations to Estonia, e.g.:

- 1)** to ensure that active and passive bribery of members of domestic and foreign public assemblies and members of international parliamentary assemblies are criminalised in accordance with Articles 4, 6 and 10 of the Criminal Law Convention on Corruption (ETS 173, § 64);
- 2)** to amend current legislation in respect of bribery in the private sector in order to clearly cover the full range of persons who direct or work for, in any capacity, private sector entities as provided for in Articles 7 and 8 of the Criminal Law Convention on Corruption (ETS 173) (§65);
- 3)** to criminalise active and passive bribery of domestic and foreign arbitrators in accordance with articles 2, 3 and 4 of the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191) and to sign and ratify this instrument as soon as possible (§ 66);

4) (1) to criminalise active trading in influence as a principal offence; **(2)** to include the request of an advantage in the offence of passive trading in influence; **(3)** to clarify what should be considered *illegal use of influence* in order to ensure that all instances of an asserted or confirmed improper influence are covered (§72);

5) to establish jurisdiction over offences of bribery and trading in influence committed abroad by/or involving Estonian public officials and members of domestic public assemblies who are not Estonian citizens (§75).

3.2.2 Freedom House Nations in Transit: Corruption, Civil Society, Judicial Framework.

ESTONIA [scale: – max 1 – 7 min]

NIT Ratings	1997	1998	1999	2001	2002	2003	2004	2005
Electoral Process	2.00	1.75	1.75	1.75	1.75	1.75	1.50	1.50
Civil Society	2.25	2.25	2.50	2.25	2.00	2.00	2.00	2.00
Independent Media	1.75	1.75	1.75	1.75	1.75	1.75	1.50	1.50
Governance	2.25	2.25	2.25	2.25	2.25	2.25	2.25	n/a
National Democratic Governance	n/a	2.25						
Local Democratic Governance	n/a	2.50						
Judicial Framework and Independence	2.25	2.25	2.20	2.20	1.75	1.75	1.75	1.50
Corruption	n/a	n/a	3.25	2.75	2.50	2.50	2.50	1.50

According to Freedom House (FH), despite a public perception of corruption within the national government, Estonia is considered one of the least corrupt of the Eastern European and former Soviet states. Transparency International's 2004 Corruption

Perceptions Index placed Estonia in a tie with Slovenia as the least corrupt of the new EU member states.

Likewise, a 2002 OECD *Anticorruption Network for Transition Economies* report stated that the Law on Anticorruption “provides the legal basis for the prevention of corruption” and declared that “Estonia has come a long way in creating a good legal basis for fighting corruption.”

According to FH there are 3-4 main reasons for relatively low level of corruption in Estonia:

1) the EU accession process has been an important factor in shaping Estonia’s approach to corruption. According to a 2002 Transparency International report, the EU considers the fight against corruption in new member states to be “a vital element in building administrative capacity, strengthening the judiciary, and ensuring financial control.” It has, however, been generally supportive of Estonia’s efforts and complimentary of the country’s low levels of corruption.

2) A second reason for Estonia’s low levels of government corruption is, arguably, its laissez-faire approach to economics. To say that the Estonian economy is free from excessive bureaucratic regulations, registration requirements, and other controls that increase opportunities for corruption is an understatement. As 2004 came to a close, the Heritage Foundation Index of Economic Freedom rated the Estonian economy the fourth most economically free in the world. An irony of the EU accession process is that the Estonian economy was too market oriented for its Western European EU partners.

3) The final cause of low levels of corruption, as well as the government’s actions in 2003 and 2004 to address potential concerns, is a degree of intolerance among the general population for official corruption. Though corruption is far from rampant in the government, the Estonian population was not terribly trusting of any government figure other than the president in 2004. The electoral success of Res Publica in 2003 can, again, be attributed as much to displeasure with the previous ruling coalition (coupled with Res Publica’s vague claims of aggressively pursuing corruption) as to disapproval of policy positions of the party. One of the first actions of the ruling coalition following its transition to power was the reconstitution of the Anticorruption Committee in the Parliament to collect, verify, and publish information about the assets of government officials.

4) Allegations of corruption are given an extensive airing in Estonia's print media. This is a likely reason for the public's perception of high levels of corruption among national political figures. Less attention has been paid in the electronic media to corruption, though it is unclear whether this is a result of political interference or simply a lack of investigative resources. Consistent with other concerns about the local level, observers have noted that local media outlets are less zealous than national media in exposing corruption. Yet whistleblowers, anticorruption activists, investigators, and journalists enjoy legal protections in Estonia, and there is little reason to feel insecure about investigating and reporting on cases of bribery and corruption.

Civil Society

In principle, there is a commitment to autonomous organizations by the Estonian government and media. Yet in practice, NGOs continue to face numerous challenges. Thanks in part to the development of the Estonian Civil Society Development Concept (EKAK) and its acceptance by the Estonian Parliament, the situation for NGOs has improved. The EKAK was adopted by the Parliament on December 12, 2002. This was followed in February 2003 by the signing of a "memorandum of national accord" by nearly 39 representatives of NGOs and the major political parties. This memorandum contained few specifics but committed to the development of a civil society based on ideals such as the rule of law. In August 2004, the implementation plan for the EKAK for the period 2004–06 was adopted. This agreement summarizes work to date by "a joint commission of the government of the Republic of Estonia and the representatives of the citizens' associations." (50%:50%) More important, it lays out a series of activities and authorities, a timeline for implementing legislation regulating NGOs, involvement of NGOs in the decision-making process, financing of NGOs from state budget, collection of new data about NGOs (annual reports of economic activities), the teaching of civic education, etc.

See also some follow-ups:

- Ministry of Interior: <http://www.siseministeerium.ee/29949/>;
- National Foundation of Civil Society <http://www.kysk.ee/?s=21>

- Network of Estonian Nonprofit Organizations (NENO): <http://www.ngo.ee/>
- Code of ethics of Estonian nonprofit organizations: <http://www.ngo.ee/7457>
- NGO Sustainability Index for Central and Eastern Europe and Eurasia: <http://www.ngo.ee/7332>

USAID 2008 NGO SUSTAINABILITY INDEX SCORES – Northern Tier:

COUNTRY	Legal Environment	Organizational Capacity	Financial Viability	Advocacy	Service Provision	Infra-structure	Public Image	Overall Score
CZECH REPUBLIC	3.0	3.0	2.9	2.4	2.2	2.9	2.5	2.7
ESTONIA	1.7	2.3	2.3	1.8	2.3	1.6	2.0	2.0
HUNGARY	1.5	3.0	3.5	3.2	2.5	2.2	3.3	2.7
LATVIA	2.4	3.0	3.3	2.3	2.5	2.4	3.3	2.7
LITHUANIA	2.1	2.7	2.8	2.0	3.3	3.0	2.9	2.7
POLAND	2.3	2.6	2.7	1.9	2.2	1.7	2.2	2.2
SLOVAKIA	2.6	2.9	3.2	2.6	2.4	2.2	2.3	2.6
SLOVENIA	3.5	4.0	4.4	3.9	3.5	3.8	3.9	3.9
Average	2.4	2.9	3.1	2.5	2.6	2.5	2.8	2.7

To sum up, among the Northern Tier countries, Estonia and Poland were the only two countries in the region to improve their overall NGO sustainability scores during the year.

In Estonia: **a)** the launch of the new National Foundation for Civil Society provided important mechanisms for support of NGO development; **b)** private donations to NGOs are on the increase; **c)** a campaign to clean up illegal waste disposal sites in Estonia mobilized huge numbers of volunteers and was a prime example of intersectoral cooperation, bringing together businesses, government and NGOs to achieve a common goal (those networks can mobilize also for anti-corruption activities); **d)** Manifestos. Prior to the parliamentary elections in 2007 and local government elections in 2009, Estonian NGOs have launched their political manifestos, addressing candidates with proposals for activities they can undertake if being elected to contribute to strengthening the NGOs and civil society as well as improving the cooperation between the non-profit and public sector.

Manifestos have been supported by the Open Estonia Foundation and the Baltic-American Partnership Programme and moderated by NENO <http://www.ngo.ee/28222>.

3.2.3 Freedom House Freedom of the Media Score and IREX sustainability index

Independent Media

Estonian media are considered free by most observers. Media outlets are numerous, and legal protections for press freedom exist and are practiced. Also, there is little regulation over the establishment and functioning of media outlets, and investigative reporters are protected from victimization by state or nongovernmental actors in other countries. The Association of Estonian Broadcasters is included regularly in government discussions on draft laws affecting the media. One concern in recent years had been that Estonia's libel and defamation laws may have deterred some journalists from aggressively pursuing stories that cast government officials in a negative light. Although this may help explain the comparatively small number of stories about corrupt local officials, it is not consistent with the aggressive coverage of political corruption at the national level. In addition, changes to the penal code in Estonia, which came into effect in 2002, removed the libel and defamation provisions, which should ease journalists' fears in the future.

Considering the small size of the country, the Estonian public enjoys an impressively diverse selection of print and electronic sources of information representing a range of political viewpoints. Most of these media outlets are privately owned (e.g. Norwegian and Swedish firms, A.K.), although some receive government assistance. It could be argued that there are too many media outlets for the size of the country, leading to what the International Press Institute has called a "vibrant but saturated" market in which the survival of the smaller outlets is threatened. Others see the situation over the last decade as one in which the media landscape has stabilized. In addition to the large number of daily or weekly newspapers available in Estonia, there are 5 public service radio stations, ca 25 private radio stations, 3 nationwide television stations, and ca 15 licensed cable TV broadcasters. Information from Russian-language media is accessible in print (more than 24 Russian-language newspapers and magazines), over the radio (5 private radio

broadcasters and 1 public service radio station offer Russian programming), and on television (2 of the 3 television stations in Estonia offer regular Russian-language programming). ETA, the oldest news agency in Estonia, was privatized in 1999 and faced economic hardship almost from the start. The move left Estonia with only one news agency, the Baltic News Service.

The Estonia Newspaper Association was founded as a professional association of print media outlets and has established guidelines for the conduct of print media in the country. For example, it developed rules for the coverage of political campaigns - providing "space to candidates on an equal basis," indicating clearly when political information is in the form of an advertisement, and using caution when publishing results from public opinion polls. Likewise, the National Broadcasting Council is charged with establishing similar guidelines for radio and television coverage of political campaigns.

In February 2000, the Estonian Parliament passed legislation guaranteeing Internet access to the general population. As a result, Estonia has one of the most technologically connected populations in Europe, and some have nicknamed the country "E-stonia". In addition to high rates of Internet usage, nearly 90 % of the population subscribes to mobile telephone service, and more than half had digital identity cards. The country's high rates of Internet usage come not only from the high % of residences with home computers, but also from a strong commitment to free Internet access points across the country. All schools in Estonia are connected to the Internet, more than half of all households pay their bills electronically, and the state portal www.eesti.ee allows citizens to access their various official records, logging into other information systems (for example e-Tax Board, [The Land Registry \(in Estonian\)](#) etc and use the state portal services like [registration of residence](#), download and fill official forms etc [see also TI Estonia (projects, news): www.transparency.ee].

3.2.4 Transparency International

Year	Number of states	Estonia	Index	Number of studies
1998	85	26	5.7	3
1999	99	27	5.7	7
2000	90	27	5.7	4
2001	91	28	5.6	5
2002	102	29-30	5.6	8
2003	133	33-34	5.4	12
2004	146	31-33	6.0	12
2005	156	27	6.4	11
2006	163	24-25	6.7	8
2007	180	28	6.5	8
2008	180	27	6.6	8
2009	180	27-29*	6.6	8

TI 2009. * Cyprus, Slovenia and Estonia have the same level.

According to TI Estonia (Korruptsioonivaba Eesti = Corruption-Free Estonia) the explanation of main positive and negative reasons should be as follows (2009):

- 1) The public sector is more transparent due to eGovernance tools;
- 2) Systematic and continued state level measures to deal with corruption;
- 3) Active research and investigation of corruption in legal authorities and media attention to the high level corruption cases;
- 4) Low transparency of local authorities (municipalities) activities (e.g. public management and procurement in small local authorities);

5) The problems with financing of political parties.

3.2.5 Other reports and results of studies: outline of the OECD Report (2008)

General Efforts to Raise Awareness (excerpts)⁸

In recent years, corruption has become an important topic of public debate in Estonia, in parliament, in civil society and in the media, partly as a result of the European Union accession process. Yet, prior to the on-site visit, the focus of the approach has been on the probity of Estonia's civil servants and the integrity of its public contracts. Little has been done to raise awareness of the foreign bribery offence. Estonia's anti-corruption efforts have focused almost solely on domestic corruption. Even more troubling is a widely-held view that "doing business differently", as formulated by many panel participants, is a necessary aspect of doing business in some foreign countries.

(a) Government Initiatives to Raise Awareness

Estonia's legislative, organisational and other reforms over the past few years demonstrate its attention to fighting corruption. The government has adopted anti-corruption strategies for several years. It has maintained an anti-corruption Web site that refers to the OECD Convention and the criminalisation of foreign bribery. In 2005, the definition of corruption was expanded to characterise the crime as a phenomenon involving the private sector. Estonia has also adopted laws to combat corruption, established a complex economic crimes department in the Public Prosecutor's Office, and appointed prosecutors to specialise in corruption cases.

Yet, the focus of the approach has been on domestic bribery. For instance, Estonia's "Honest State" anti-corruption strategy for 2004-2007 did not explicitly deal with foreign bribery or the OECD Convention. The new anti-corruption strategy for 2008-2012 is broader than "Honest State" in that it covers more public officials and activities in the private sector

⁸ OECD (2008) ESTONIA: PHASE 2 - REPORT ON THE APPLICATION OF THE CONVENTION ON COMBATING BRIBERY OF FOREIGN PUBLIC OFFICIALS IN INTERNATIONAL BUSINESS TRANSACTIONS AND THE 1997 RECOMMENDATION ON COMBATING BRIBERY IN INTERNATIONAL BUSINESS TRANSACTIONS - 20 June 2008; see also OECD (2006) ESTONIA: PHASE 1. 15 February 2006.

most. Estonian officials stated that the new strategy would not specifically refer to foreign bribery.

The emphasis on domestic corruption has resulted in relative inactivity *viz.* foreign bribery. At the time of the on-site visit, Estonian authorities, with a few exceptions, had not raised awareness of foreign bribery or the Convention among Estonian public officials or the private sector. For example, the relevant Ministries (Justice, Internal Affairs, Finance, and Economic Affairs and Communications) had made no efforts to raise awareness among their staff. As well, there were no campaigns to inform exporting businesses and relevant professionals (accountants, auditors, lawyers) about the foreign bribery offence, or to encourage the development of corporate internal compliance programmes, as proposed in the Revised Recommendation. No efforts have been made either to promote the OECD Guidelines on Multinational Enterprises (which includes a chapter on domestic and foreign bribery) among enterprises active in foreign markets. It was only after the on-site visit that the Ministry of Economic Affairs and Communications and Enterprise Estonia decided to promote the Guidelines through the Internet and seminars for entrepreneurs. At a conference after the on-site visit, the Minister of Justice also referred to the Convention and the importance of fighting foreign bribery in a speech. The representatives of government, business and NGOs also agreed to draft general principles on business ethics.

The low level of awareness negatively impacts the prevention, detection and prosecution of foreign bribery. For example, Estonian public officials are obliged to report criminal offences to law enforcement. However, government personnel who are in a position to prevent and detect foreign bribery may not do so because of a lack of awareness, thus leaving such illegal activities undetected. There are exceptions, such as references to foreign bribery in the seminars held by Enterprise Estonia. Another bribery or the Convention (Enterprise Estonia Yearbook 2006; Web site of Enterprise Estonia, www.eas.ee)

Estonian enterprises have significant trade and investment links with countries that are widely considered to be rife with corruption. Civil society representatives suggested that bribery would be seen by many Estonians as a “necessary evil” when doing business in some countries.

Estonian authorities have a key role in raising awareness of the Convention and the offence of foreign bribery. There is a need to proactively engage civil society and the general public

to raise the profile of the foreign bribery offence and the Convention. In this regard, it is necessary to highlight the offence of foreign bribery in anti-corruption programmes. Initiatives that target “corruption” generally are not sufficient. The Ministry of Justice partly remedied this problem by introducing the issue of foreign bribery into Estonia’s anti-corruption strategy for 2008-2012.

(b) Private Sector Initiatives to Raise Awareness

(i) The Business Sector. The private sector has invested very little effort to raise awareness of foreign bribery or the OECD Convention, which likely reflects the Estonian authorities’ corresponding lack of action. By the time of the on-site visit, the only effort taken was a seminar arranged with the support of, *inter alia*, the Estonian-U.K. Chamber of Commerce and the Embassy of Sweden. Three additional seminars on business ethics in the past year did not specifically address foreign bribery. The Estonian Chamber of Commerce only provided a link to the OECD Guidelines on Multinational Enterprises on its Web site. Another likely symptom of this inaction: the examiners did not meet any Estonian enterprises; only the subsidiaries of three foreign multinationals attended the on-site visit. Estonia explains that the overwhelming majority of Estonian enterprises are small or medium-sized enterprises that do not invest abroad, and that most prospective enterprises are owned by foreign investors. In the examiners’ view, however, some Estonian enterprises nevertheless do operate internationally. Representatives of Estonian civil society were of a similar view.

Given this lack of awareness, there are expectedly few corporate compliance measures to combat foreign bribery. A model code of conduct prepared by the Chamber of Commerce does not refer to foreign bribery. Estonian business organisations do not have model compliance programmes, nor have they promoted codes of conduct prepared by organisations outside Estonia. The stock exchange’s model corporate governance code does not deal with bribery. The Estonian subsidiaries of foreign multinationals are subject to their parent companies’ codes of conduct. One Estonian academic felt that these codes have not been implemented effectively. Local enterprises generally do not have codes of ethics, according to NGOs. Estonian business organisations are aware of the need for greater efforts in terms of awareness-raising and prevention. At the on-site visit, they expressed willingness to develop, in partnership with the Estonian authorities, specific

activities addressing foreign bribery risks in the framework of the new anti-corruption strategy for 2008-2012 (see also Table 1.C and www.transparency.ee).

(ii) Civil Society. The inactivity in raising awareness of foreign bribery extends to Estonian civil society. NGOs (including the local chapter of Transparency International) told the examiners that Estonian civil society and the media so far have not been particularly active in scrutinising how Estonian businesses behave abroad. Efforts have primarily been devoted to fighting domestic bribery.

Reporting, Whistle blowing and Witness Protection

(a) Duty to Report Crimes. Estonian public officials have a duty to report crimes of bribery. Public officials/servants must report corrupt acts to the head of their agency, the police, the Security Police or the Prosecutor's Office. Failure to report may result in a fine and/or disciplinary sanctions, including termination of employment. In the examiners' view, the existence of such a duty to report is positive. However, the effectiveness of such a reporting duty is tempered by the lack of awareness of the foreign bribery offence among Estonian public officials.

There is no corresponding duty for private individuals to report foreign bribery. Individuals are obliged to report first degree crimes unless the offender is a relation. There are no obligations to report second degree crimes, such as foreign bribery. The examiners were told at the on-site visit that Estonian citizens consider reporting offences as "delation" and hence unusual. Nonetheless, there were 96 reports of domestic bribery from 2004 to April 2008. Reports may be made via a hotline or the government's anti-corruption Web page (www.korruptsioon.ee).

(b) Whistle blowing and Whistleblower Protection. Estonia has no specific laws on whistle blowing. For public officials, a whistleblower's anonymity is maintained unless the report was made in bad faith or if his/her testimony in court is required. Employees may only be dismissed pursuant to the grounds listed in the Public Service Act (for public servants) and the Employment Contracts Act (for private sector employees and support staff in the public sector). To enforce his/her rights, the Public Service Act allows an aggrieved official to demand reinstatement or compensation. Under the Employment

Contracts Act, a whistleblower may ask a court or a labour dispute resolution body to review a disciplinary decision or dismissal. Officials indicate that these provisions have never been invoked by a whistleblower.

The lead examiners find that these general laws on dismissal from employment may be insufficient to protect whistleblowers in both the private and public sectors from reprisal. Some of the grounds of dismissal are rather vague and broad, *e.g.* breach of duties or loss of trust. It is not clear under Estonia law whether whistle blowing could amount to a breach of an employee's duty to maintain an employer's "business and production secrets".

Estonia is aware of these problems and has decided to study the issue as part of the new anti-corruption strategy. It hopes the study will result in a new whistle blowing regime, especially for the health sector. In the examiners' view, this is a positive development, but stronger whistleblower protection would enhance detection of transnational bribery only if there is greater awareness of the offence. The public is unlikely to report transnational bribery if there is no awareness of the issue. *Commentary The lead examiners recommend that Estonia strengthen measures for protecting whistleblowers, in order to encourage public and private sector employees to report acts of transnational bribery without fear of reprisals or dismissal.*

(c) Witness Protection is primarily provided under the Witness Protection Act. Under certain circumstances, the Central Criminal Police may provide physical protection to witnesses and their family members. The Criminal Procedure Code further allows a witness to maintain his/her anonymity during criminal proceedings in some cases. These measures are available in domestic and foreign bribery prosecutions but have never been used in these cases.

3.3 A country brief report and some results of anti-corruption studies:

Estonia

3.3.1 Table 2: A country brief report: Estonia

	Expert opinions, remarks, projects
<p>COUNTRY</p> <p>1) How corrupt is this country?</p> <p>2) What type of corruption?</p> <p>3) How did it evolve during the years?</p> <p>4) Was it a period when it was more corrupted and what happened to change that?</p>	<p>According to international comparisons (FH, TI etc) the level of corruption is not very high in Estonia (comparable with Slovenia).</p> <p>The types of corruption are developing with other institutions, we can observe in some cases the hidden corruption, e.g. hidden conflicts of interest in public procurement (also in the cases which are legally OK).</p> <p>There are some problems which are more emphasised by experts and local mass media:</p> <ul style="list-style-type: none"> * financing of political parties is not yet transparent * relations between NGO-s and political parties (financial support via NGO-s, which are related to parties) * lack of audits in municipal level * possibilities of State Audit Office are limited, especially in local level * public procurement regulation is not very well working due to smallness of the market etc <p>(Estonian society is quite small and corporative – those aspects are not very well analysed).</p> <p>4) The situation was complicated before 1995, also before the 2002. EU regulations have good impact:).</p> <p>4-5 reasons why the situation has been improving step by step:</p> <ul style="list-style-type: none"> - Interactive pressure from the civil society, universities and mass media sides (e.g. Open Estonia Foundation institutional support since 1991!, international comparative reports as reflection, private media, e.g. foreign owners are not dependent on Estonian political actors) - Step by step are complex of measures is designed by Estonian Ministry of Justice, Ministry of Finance and Ministry of Interior since 1995 (after Association Agreement with Estonian Republic and EU) - Influence of Nordic Countries, e.g. Finland and Sweden as neighbour countries via Baltic sea (Estonians had seen the Finnish TV also in Soviet time – similar language, window to the West) - Relative smallness and integrated public sphere of Estonian society (population 1.35 Millions – a “big village”); also comparatively small market for big international corporations.

<p>CIVIL SOCIETY</p> <p>1) How strong is civil society in this country?</p> <p>2) What is its reputation?</p> <p>3) Are notable anticorruption projects known without any research?</p> <p>4) Are notable anticorruption heroes?</p> <p>5) What are they (prosecutors, activists, journalists, etc)?</p> <p>6) Who are they?</p>	<p>1) According to CIVICUS index the Estonian civil society is quite strong, mostly autonomous, networking (e.g new media – Facebook, Twitter, eParticipation fora etc) and ready to mobilize (see also EKAK, Manifestos, different funds – www.kysk.ee ; www.ngo.ee)</p> <p>2) The reputation of NGO-s acting in public interest is good and improving in last years (comparative studies since 1998, 2001, 2004, 2008 – see also USAID 2008).</p> <p>3) No – the description of problems is required by funds and applicants are using the studies available via Internet. Another question is in what extent and how the research is related to policy proposals, campaigns of awareness, trainings etc. In most cases in table 1 B and C we can observe the link between research & development activities, e.g. in research projects the policy advice may have quite good impact on policy-making and building of public awareness.</p> <p>4-5-6) Yes, there are some politicians using the anti-corruption as a tool (Ken-Marti Vaher, Urmas Reinsalu, Rein Lang, etc); media experts (Tarmu Tammerk, Külliki Korts etc); NGO activists (Mr Agu Laius, Liina Kuusik, Asso Prii, etc.) , researchers (Jüri Saar, Jaan Ginter, Ivar Tallo, Daimar Liiv, Leno Saarniit, Anna Markina, Ülle Madise etc) and civil servants (Mari-Liis Sööt, Anneli Sihver etc). (see App.1)</p>
<p>GOVERNMENT AND POLITICAL SOCIETY</p> <p>1) Was the government anticorruption carried out in good will and effective?</p> <p>2) Make a stakeholder analysis of anticorruption; who, from govt agencies, are the promoters, who the neutrals and who the resistant.</p> <p>3) How did this come about historically (through electoral cycles)?</p> <p>4) What about political parties?</p> <p>5) Are politicians</p>	<p>1) two governmental programs in this decade (see table 1). Many NGO-s are sceptical, but we can analyse many useful functions of those programmes, e.g. rise awareness, impact assessment of political measures, commission of studies etc. Critical point is, that those strategies are partly quite legalistic (law-police-court), but the cultural, social & behavioural aspects are not very well analyzed;</p> <p>2) In the government the Ministry of Justice is responsible for anti-corruption measures - we can emphasise that the legal regulation is improved in most areas, but not in the field of financing and reporting of political parties (both Legal Chancellors have been discussing this issue publicly since 2000); the industry is usually neutral in public debate – international firms (e.g. media) are cultivating Scandinavian type of public policy and administration in Estonia; informally and some times also in mass media we can hear that the honest business in former Soviet countries is impossible (there is no place for honest competition in Russia, Ukraine etc); NGO sector has been quite active since 1991 supported by Soros Foundation (Open Estonia Foundation). Also, the universities and research centres have been quite active (see Appendix 1).</p> <p>Problems with public procurement have been under discussion a long time, the EU Directives No 17-18 (2004) raised new questions of administrative capacity of ministries and local authorities. Old problems: small market, small number of good applicants, local socio-economic interest e.g. how to support local labour market?</p> <p>3) Yes, we can see the relationship between anti-corruption activities and political cycle – NGO-umbrellas (like NENO – www.ngo.ee , see Manifestos) and free media are playing an important role there. Political timing of actions in public interest became a routine☺</p>

<p>elected on anticorruption tickets?</p> <p>6) Are corrupt politicians elected?</p> <p>7) Are some parties associated with more or less corruption?</p>	<p>4) As usual, before elections there are some “anti-corruption scandals” - if to analyse the media content and court cases, then we can find only some marginal political parties which have been not accused in corruption – usually they are not represented in the Parliament/Riigikogu.</p> <p>5) Yes – for example Res Publica Party 2003 (Ken-Marti Vaher, MP etc)</p> <p>6) At the state level – NO, but there are some “borderline examples” finished without court cases.</p> <p>The political parties are interested to clean the list of candidates before the elections.</p> <p>In local municipality level there have been some corruption cases (2-4 persons are in the jail/prison, but in those cases the link between “party soldiers” and leaders is usually not evident in legal terms)</p> <p>7) Yes – there are some parties which are more accused then others in the mass media, e.g. The Centre Party, Peoples Union Party, Reform Party etc.</p> <p>There is also another related problem – the independence news media. There are some studies showing that the right-wing and liberal parties are in better position (less criticized before the elections), but due to competition in the media the detected cases will be usually published sooner or later.</p>
<p>VOTERS</p> <p>1) Is participation to corruption broad?</p> <p>2) Is the public losing because of corruption?</p> <p>3) How upset are they?</p> <p>4) Look for survey data in the countries.</p>	<p>1) It depends on the sector and its traditions – for example „positive corruption“ is gift to the doctor (flowers, chocolates, brandy), job finding for the friends and family members (in private sector) etc</p> <p>2) The awareness on direct and indirect impacts of corruption is not sufficient in Estonia (see next part).**</p> <p>3) yes – as taxpayers, as citizens remembering hopeful Singing Revolution times etc ..</p> <p>4) see TI, FH, WB (p. 3.1-3.2)</p>

Source: A.Kasemets and Ü.Lepp.

3.3.2 Some results and conclusions of Estonian anti-corruption studies

There have been various attempts to measure the scope of corruption in Estonia by including questions on corruption and the presumed scope thereof among other topics. Such polls were organised, for example, by the Jaan Tõnisson Instituut, Saar Poll (2001), the Ministry of Justice and Turu-uuringute AS (2003, 2004), the Estonian Institute of

Economic Research (2003, 2004); Transparency International and TNS Emor (2004) (see also Table 1: B).

It is obvious that two polls might not measure the same thing. For example, the question asked by the Estonian Institute of Economic Research was, whether the respondent had been asked for a bribe during the past year (in 2003, 12% of the respondents gave a positive answer and in 2004, the number had dropped to 10%) while the question posed by the poll organised in 2003 by the Ministry of Justice and Turu-uuringute AS was if the respondent generally gives a bribe (27% of the respondents answered that they "always" or "occasionally" do).

To get more systematic overview, in 2004 The Ministry of Justice research team initiated a plan of surveys using the same methodology which will enable a comparison of the results and lessens the confusion potentially resulting from different surveys. The objective of the first **survey "Corruption in Estonia: a survey of three target groups"**⁹ is to find answers to the following four questions of public debate (summary):

1. How is corruption defined and to what extent it is condemned? The activity most frequently defined as corruption, and condemned as such, is bribery. Activities where no person bears direct damage or reaps direct benefit are less often perceived as corruption: for example, when an entrepreneur calls an official who is an acquaintance in order to speed up the processing of the papers of his enterprise. About one half of the respondents does not consider giving gifts to officials to be corruption; and about the same amount of persons find nothing condemnable in the behaviour of an official who orders computers from a firm where his son is a partner. Men, non-Estonians, employees of the private sector and city dwellers are more tolerant of corruption. Residents of Virumaa county are more tolerant with respect to a number of different forms of corruption. Employees of the public sector are less tolerant of corruption than the other target groups.

⁹ The first survey was carried out by the **Criminal Policy Department of the Ministry of Justice** in 2004. Assistance was provided in preparing the poll, and the results were analysed by **Margit Tavits**, PhD, researcher at Nuffield College of the University of Oxford, **Taavi Annus**, docent, at the Faculty of Law of the University of Tartu, and the research company **EMOR** (poll). An important role in the preparation of the methodology to be used was played by the anticorruption group of the **World Bank**. The survey was carried out in three parts: interviews with the general population of Estonia (1002 respondents, one-on-one interviews), entrepreneurs (503 respondents, telephone interviews) and employees of the public sector (901 respondents, internet interviews). A separate questionnaire was prepared for each target group, with some of the questions overlapping for the sake of reference. The survey was co-financed by the **European Commission. The results of ongoing study will be available in 2010.**

2. How far spread is corruption in the opinion of the respondents? The more any activity is accepted the more widely spread it is usually considered to be. The respondents deemed misuse of official position to be the most probable, and bribery - the least probable. 87 % of the general population as well as employees of the public sector are sure that using an official vehicle for personal purposes is a practice which is moderately or widely spread. Both the representatives of the general population and the employees of the public sector believe that bribery is most frequently used with the aim to prevent imposition of fines or other punishments, and least frequent for influencing the law-making. In comparison with the employees of the public sector, the respondents from the general population perceive a wider spread of different forms of corruption. In the opinion of the public sector employees, bribery is slightly more common today than 5 years ago, while the employees who consider their remuneration to be fair, tend to believe that bribery is less frequent in their place of work than the workers who see themselves as underpaid.

3. How frequent is exposure to corruption and what are the situations of potential exposure? Bribery 16 % of the representatives of the general population as well as the entrepreneurs state that they have given bribes. 25 % of the representatives of the general population and 24 % of the entrepreneurs say that they have been asked for a bribe for performance of a public service. 27 % of the public sector employees insist that they personally have been offered a bribe. The representatives of the general population have been asked for a bribe most often in communication with doctors (10 %). And 8 % of the respondents have been asked for a bribe in communication with the police, upon registration of a vehicle, survey of a vehicle or obtaining a driver's licence. Entrepreneurs have been asked for a bribe more often upon registration or survey of a vehicle - 13 %. Imposition of a fine (9 %) and application for permits and licences (7 %) rank next. Any sectoral differences in bribery could not be defined, except in communication with the border guard where companies based on foreign capital were asked to pay a bribe more frequently than enterprises based on Estonian capital only. Enterprises belonging to the trade or services sector were found to have paid more to the border guard than companies engaged in other walks of life. Law enforcement authorities (the police, the Security Police, prosecutor's offices, courts, the Border Guard, the Information Board, the Tax and Customs Board) are offered bribe more often as compared with other authorities – 62% and 48%, respectively.

Corruption, an extensive overview 24 % of the representatives of the general population and 42 % of the entrepreneurs had personally participated in a form of corruption. 25 % of the employees of the public sector have encountered corruption whereas the respondents themselves need not have been active participants in the situation.

The representatives of the general population have met corruption in the form of a situation where an official is given a gift (14 %) or where, thanks to having an acquaintance, proceeding of a matter was expedited (13 %). The probability of exposure to corruption is three times higher for a respondent living in East Virumaa county than for a resident of any other region. The probability of exposure to corruption is higher for younger respondents than older respondents.

Entrepreneurs have been exposed to corruption most often in the form of a situation where, thanks to having an acquaintance, proceeding of a matter was expedited (33 %) and where an official was given a gift (26 %). The main reasons for not participating in a public tender were the complexity of the tendering procedure (42 %) and the lack of fair competition (27 %). No respondent specified the request of a bribe to be the reason for failing to apply. No regional or sectoral differences became evident which leads to the conclusion that corruption is not more widely spread in certain sectors or regions. However, differences in types of corruption encountered in different sectors and regions still exist.

About 12 % of the employees of the public sector are receptive to corruptive offers. Political appointments (members of the Riigikogu, city and rural municipality councils) have been the most exposed to corruption, in their own words. The probability that a respondent in that group encounters corruption is four times higher than for other public servants. The most receptive are the respondents who are political appointments or public officials. Non-Estonians tend to be more receptive to corruption than Estonians.

4. What is the readiness to report cases of corruption? 80 % of the representatives of the general population do not know who to address in order to report an incident involving corruption. 60 % of the employees of the public sector who failed to report an incident of corruption also did not know who to address. Readiness to report corruption has a strong connection to the gender of the respondent and the region they live. More men than women, and more residents of small towns and rural areas than city-dwellers know where to report in case of corruption.. The main reasons for failing to report a corruptive

incident is that the complainant is likely to suffer as a result and in any case, the offender would not be brought to justice.

5. What is the potential material and moral damage caused by corruption? 10 % of the representatives of the general population believe that they have been suffered moral or material damage as a result of corruption. The representatives of the general population spend an average of 500 kroons on bribes. The most frequent form mentioned was giving a gift or returning a service to a doctor. Entrepreneurs have paid most bribes upon registration of a vehicle in which case the sum paid usually amounted to 1000 kroons. There is a significant connection between the spread of corruption, as perceived by the respondents, and the respondents' opinion of the court system, the police and politicians. For example, a statistically important connection was established between the trustworthiness of politicians and the presumed spread of corruption: the more the respondents believed that politicians act in the best interests of the state, the less they suspect that corruptive activities are widely spread. The representatives of the general population who are not sure that the judicial system can be trusted in its administration of justice also believe corruption to be more commonly spread than those who have trust in the court system.

3.3.3 Measurement of outputs, outcomes and impacts of the anti-corruption projects

The analysis of the finished anti-corruption project (Table 1: B & C) reports and description shows that usually there is available the information on planned (expected, ex ante) outputs, outcomes and impacts of the project, in many cases we can find also the achieved outputs and outcomes, but there are available only some minor examples of ex post impact assessments and descriptions of real impacts.

There can be many interrelated reasons (which could be tested in follow-up studies), e.g.:

- 1) the impacts are becoming evident after longer period of time and it is quite complicated to measure the preliminary impacts during the short-term project;
- 2) lack of outcome and impact indicators (in most cases the description of expected outcomes and/or impacts is too general for operational measurement);

- 3) lack of systematic unified approach to distinguish the interrelated outputs, outcomes and impacts in the project applications and in the final reports.

Those general problems lead us to the analysis of anti-corruption project manuals,¹⁰ training agendas, etc. Also, the link between the monitoring of anti-corruption programmes (Tabel 1: A) and the evaluation of projects would be improved in co-op with governmental agencies, different donors, universities and anti-corruption advocacy organisations. At present

in most cases there is no concrete public information available on direct or indirect impacts (Table 1: B & C and App. 3b) and we can find only few specific behavioral impact indicators and sustainability factors (e.g. rise of awareness, annual training agenda, anti-corruption network, better regulation initiatives to develop anti-corruption routines, etc).

¹⁰ See also European Commission (2005, 2009) – Impact Assessment Guidelines: http://ec.europa.eu/governance/impact/index_en.htm

Some examples of outputs, outcomes and impacts (*>>***):**

* Outputs: number of.. seminars, participants, broadcast about corruption; press conference; article in the newsmedia; newsletter; publication, proposal to governmental agency; database on codes of ethics; annual training agenda for civil servants; indicators to evaluate the work of the courts; etc.

** Outcomes (for different beneficiaries): analyses of the situation (precondition for knowledge-based discussion); creation of public debate; intersectoral round table discussion; access to public policy information; good example for citizen organizations functioning as a "watchdogs"; policy proposals and their implementation; the reregulation of legal acts and public administration; protection provided for whistleblowers; independent consultant available upon request; self-reflection to media; enlargement of anti-corruption network; monitoring of elections and feedback to the public; informed civil servants, e.g. better understanding of people's problems regarding to judicial system; indicators to evaluate the work of the courts are tested and discussed; feedback to courts; etc.

*** Impacts (for community, sector and/or society): rise of awareness of NGO-s and civil servants; (expected) shift in attitudes and civic activity; functioning network of Corruption-free Estonia; mechanism and methodology to monitor judicial system with help of NGO-s and volunteers; increase people's opportunities to protect one's rights through judicial system; TI-Estonia will acquire relevant adequacy dealing with corruption cases on an analytical level which gives an opportunity to become an independent competence centre; sustainability of anti-corruption network / movement, etc.

Source: p. 2.1. and Appendix 3b

3.4 Institutional and financial support for NGO-s anti-corruption activities: Estonia

1. Open Estonia Foundation: Good Governance Programme

The basis of good governance is openness, participation, responsibility and involvement. The goal of the Good Governance Program is to support the involvement of people in the development of civil society, political consultation with the public and nongovernmental organizations, dissemination of information and access to public information. Attention is paid to increasing the capacity of institutions, people and networks and development of

information networks. **Additionally, the program supports initiatives aimed at increasing transparency and fighting against corruption.** In the framework of the program, trainings and discussions are organized, research conducted, publications issued and institutional support granted.¹¹

2. Fund for Non-Governmental Organisations – support to Estonian civil society organisations financed by the EEA and Norwegian Financial Mechanisms 2004-2009

The overall goal of the Fund for Non-Governmental Organisations (NGO Fund) is to support the economic and social development through strengthening civil society. NGO Fund is coordinated by Open Estonia Foundation in co-op with Ministry of Finance. **NGO Fund supports activities, which promote a)** improvement of institutional capacity and management skills of civil society organisations; **b)** development of long-term operational strategies; **c)** development of strategic cooperation between the business, the public and the third sector; **d)** participation of civil society organisations in the public decision making process (including their role in supervision); **e)** development of community services as well as the growing role of NGO-s as social, cultural and educational service providers; and **f)** improving legitimacy, accountability and transparency of civil society organisations.¹²

Eligible project applicants of the NGO Fund are non-governmental organisations constituted as legal entities in Estonia, operating in the public interests, are not political parties and functioning on a not-for-profit basis.

NGO Fund will accept applications from three priority areas: democracy and civil society development; environment and sustainable development; social integration and local development. **Supported activities include:**

- Promotion of democratic values, principle of good governance, sustainable development and gender equality;
- Improvement of the infrastructure and access for participation and involvement in decision making processes on the local, regional or national levels and increasing the accountability of public institutions;

¹¹ Additional information: <http://www.oef.org.ee/programs/good-governance.html>

¹² See also: <http://www.eeagrants.org>

- Development of the institutional capacity of civil society organisations, incl. leadership, governance, membership and constituency building;
- Development of advocacy and service provision skills of civil society organisations;
- Implementation of information and communication technologies in order to enable better information sharing, consultations and participation;
- Coalition building (incl. NGO network development) and development of cooperation between the public, business and the third sector at a local, regional, state and international level;
- Supporting community development by combining mechanisms of social integration, education and economic development;
- Improving legitimacy, transparency and accountability of civil society organisations;
- Monitoring and assessing the state and trends in civil society development.

The 6th and final open call for proposals ended in January 2010 and the results will be published in April 2010. The negotiation for follow-up programme 2011-14 will be closed in June 2010.

3. National Foundation of Civil Society (Kodanikeühiskonna Sihtasutus - KÜSK)¹³

According to the decision of Estonian government December 20, 2007 The National Foundation of Civil Society (NFCS) is established as an independent legal entity – a foundation. NFCS was registered February 18, 2008. The Founder of the Foundation is the Government of the Republic of Estonia; executor of the founder's rights is Ministry of the Interior.¹⁴

The goal of Foundation shall be to contribute to enhancing the capacity of non-profit associations acting in public interests of Estonia in development of the civil society and in formation of the environment favourable for civic initiative. **To achieve its goal, the Foundation shall fulfil the following tasks:**

1) Elaboration and implementation of programmes for institutional development of the not-

¹³ „Civil Society Fund in Estonia: The National Foundation of Civil Society” by Agu Laius in Tirana April 10, 2008: <http://www.kysk.ee/?s=45>

¹⁴ [CONCEPT FOR NATIONAL FOUNDATION OF CIVIL SOCIETY](http://www.kysk.ee/?s=21) (25 pages) - <http://www.kysk.ee/?s=21>

for-profit sector, for support of the activity of organisations and networks, and target-specific allocation of project subsidies within their framework to the acting organisations or private individuals, by way of organising competitions and allocation of scholarships;

- 2) Involvement of means of the Foundation in the necessary scope from state budgetary means, target specific foreign means and private donations, their administration and mediating for the needs of development of civil society;
- 3) Elaboration and management of programmes, incl. allocation of subsidies, carrying out analyses relating to the support of the civil society development and commissioning of the researches;
- 4) Promotion of bilateral or multilateral co-operation with Estonian organisations and those of the foreign countries, whose goals and activity support the development of the civil society;
- 5) Support to the civil-society-related growth in awareness through systemic information activity.

The establishment of the National Foundation of Civil Society creates the need to consider other funding schemes and programmes existing for NGOs. On the national base NGOs are eligible applicants for more than 12 various resources, e.g.: Regional development programmes, Gambling Tax Board, Cultural Endowment of Estonia, Environmental Investment Centre, Integration Foundation, Rural Development Foundation, Estonian National Culture Foundation, County Development Centres, European Union Aid Programmes, etc.

4. The Government of the Republic of Estonia, e.g.:¹⁵

Ministry of Justice, e.g. coordination of criminal & anti-corruption policy and better regulation (see also Table 1: A).

Ministry of Interior, e.g. coordination of civil society policy, regional policy and co-op with local authorities.

Ministry of Finance, e.g. coordination of strategic planning, budgeting and supervision of public finance management, where the NGO-s are involved as a “public eye” (or “watchdogs”), stakeholders and partners.

¹⁵ The Government of the Republic of Estonia home page in English: <http://www.valitsus.ee/?lang=en> and <http://www.eesti.ee/eng/riik/asutused/>

State Chancellery, e.g. coordination of civic engagement, public participation and e-Democracy measures.

5. Riigikogu - The Parliament of Estonia, e.g.:¹⁶

[Select Committee on the Application of Anti-Corruption Act;](#)

[Civil Society Support Group](#) (26 MP-s).

3.5 Fighting against corruption: current signals, important ongoing projects and trends in Estonia

3.5.1 Current signals, priorities and trends in the anti-corruption public policy

1. In 2009-2010 The Estonian Security Police in co-op with Criminal Police and Prosecutor's offices have discovered and led to the court 5-6 corruption cases related to the public procurement in ministries, regional offices (counties) and local authorities, 2 cases with judges, 1 case with regional police officers and 2 cases with the Border Guard officials. 2 "old" court cases with MP and former Minister of Environment, Mr Villu Reiljan, were continued and discussed in mass media. In addition, the newspapers found out and published 4-5 cases related to hidden financing of political parties campaigns before the municipal elections in October 2009.

2. The implementation of The Public Information Act (2001) was an important precondition and impact factor 2001-2005, but now the access to public information on public procurement, contracts with service providers etc is going worse. Both governmental agencies and NGO-s are agree that the situation has to be improved looking for regulations and e-tools with smaller administrative burdens and standard costs. On the other hand, the information overload on the webpages of public institutions is in some cases the main factor why sometimes it is quite hard to find the relevant information.

3. In the framework of Estonian anti-corruption strategy for 2008-2012, the system of indicators, monitoring and ex post regulatory impact assessment will be developed by the Ministry of Justice in co-operation with Ministry of Finance, Ministry of Interior and other

¹⁶ Riigikogu home page: <http://www.riigikogu.ee/?lang=en>

involved partners, e.g. Corruption-free Estonia Network. Most anti-corruption projects dealing with corruption analysis, publications and anti-corruption awareness raising have demonstrated good short-term results, they received public attention etc, but there is a long way to go to build up a knowledge-based and sustainable anti-corruption public policy, e.g.:

- anti-corruption training programmes for NGO-s, civil servants, journalists and leaders of business organisations;
- anti-corruption research programmes, systematization of indicators, statistics and related databases;
- anti-corruption awareness rising programmes via civic education, mass media, web sites, etc;
- coordination of anti-corruption activities and co-operation with civic organisations (e.g. The Ministry of Finance has demonstrated an interest in the possibility of involving the Corruption-Free Estonia Network in the supervision of allocation of EU structural funds);
- (re)regulation of laws and secondary legislation if the problems are in legal regulation.

4. Civil society anti-corruption organisations, advocacy and networking – in Estonia we believe that the most influential anti-corruption „public actor“ will be the Corruption-Free Estonia Network. At the moment 25 different NGOs have committed themselves to contribute to the activities of network and the number is constantly growing (see 3.5.2). Most important common tasks are:

- development of analytical competence for the independent monitoring of the activities of legislative and executive power and also judicial authority, that has a significant role to play in guaranteeing citizen and human rights;
- mobilisation of anti-corruption civic organisations and research centres to be ready for the current/future challenges, e.g. development of methods how to involve volunteers, NGOs etc into evaluation projects, draft laws, procedures etc;
- systematization of databases, methodologies, etc for knowledge-based anti-corruption advocacy work, e.g. improvement of public anti-corruption awareness via civic education, media campaigns and networks.

5. Financial sustainability of anti-corruption NGO-s and network(s) has been and will be a problematic issue. The anti-corruption civic initiatives are mainly based on short-term projects (see Table 1 and Appendix 3b).

3.5.2 Most important anti-corruption projects in last years (design of trends): Estonia

1) Establishment of anticorruption network of non-governmental organisations

The establishment of anti-corruption network of NGOs in Estonia is being coordinated by TI-Estonia to strengthen the anti-corruption attitude of civil society organizations and to develop a larger supporting platform for the fight against corruption. Detecting corruption and bent relations tends to be challenging, but yet mandatory to prevent and fight against corruption. Corruption in its complexity is an issue that can only be solved with a good cooperation between the governmental institutions and civil society. Therefore TI Estonia with partners finds that greater engagement of non-governmental organizations is mandatory step on the way of curbing corruption.

The aim of educating civil society organizations is to foster their development into watchdogs that are able to point out corrupt relations in society and prevent them from occurring. The network enables to analyze the risks of corruption in different spheres and economical branches as NGOs and especially umbrella organizations are in the position to give sufficient and impartial information in their field of competence. It also makes it easier to point out and lead the attention of authorities to the problematic fields in sense of corruption and transparency through the network as sometimes a single organization might not have the capacity to do that. Variety of different opinions and shared capacity makes it also possible to develop impact analyses and proposals of legislation amendments.

At the moment **25 NGOs with different backgrounds have committed themselves to contribute to the activities of network and the number is constantly growing.** The Ministry of Finance has demonstrated an interest in the possibility of involving the network in the supervision of allocation of EU structural funds.¹⁷

¹⁷ Project is financed by National Foundation of Civil Society, see also: Source: www.transparency.ee

2) Enhancing Whistleblower Protection. The TI Enhancing Whistleblower Protection in the European Union Project is an awareness and dissemination activity. There are also strong analytical and monitoring aspects. Eight TI Chapters in EU Member States (Bulgaria, Czech Republic, Estonia, Ireland, Italy, Latvia, Romania and Slovakia) will implement the project in their respective countries. The main outputs of the project will be: a) a set of comparable analyses on national whistleblower protection legislation and its implementation in eight EU Member States, b) an expert roundtable meeting on best practices in whistleblower protection c) a report on best practices in whistleblower protection applicable to EU Member States, and d) a campaign to actively promote the findings to relevant stakeholders.¹⁸

3) Against corruption with business ethics. TI-Estonia will investigate the opportunities to facilitate the development of codes of business ethics by the branches of economy by conducting a project "Against corruption with business ethics" The objectives are raise awareness of business ethics in Estonia and Make it clear to the business sector and the general public that good and sound business practices are to the benefit of all in the long term. The project includes various activities, e.g. issues of corruption in Estonia will be highlighted and positive examples from the Nordic countries will be drawn as a model. Nordic expertise will be used with the help of the chambers of commerce of the Nordic countries in Estonia. National chapters of TI in Finland, Latvia and Lithuania will be involved. It is important to involve various trade organisations, such as the Estonian Employers Confederation, Estonian Chamber of Commerce and Industry, as well as Estonia's biggest companies and the Estonian Ministry of Justice.¹⁹

3) Curbing corruption in media. The Ministry of Justice and TI Estonia have concluded a contract to map the extent of corruption in Estonian media, raise journalists' awareness on corruption and ethics and to foster investigative journalism.

Journalism has a significant role to play in preventing corruption. On the other hand media cannot fulfil the role in preventing corruption if it is corrupt itself. Anti Corruption Strategy

¹⁸ Project is co-financed by the Prevention of and Fight Against Crime Programme of the European Union and the Open Estonian Foundation.

¹⁹ Project is financed by the Nordic Council of Ministers' Support Programme for NGO Cooperation among the Nordic and Baltic Countries.

2008-2012 measure “Increasing the awareness of corruption and ethics in the enterprise sector” consists of two activities to be carried out by TI Estonia: a) training of journalists with the aim of promoting investigative journalism; b) analysis of the problem of corruption in the media.

4 Appendixes

Appendix 1: Estonian experts in anti-corruption issues

Name	Role	Organization	Contact information
Elkind, Elina	Adviser	National Court	elina.elkind@nc.ee
Gallagher, Michael	Legal expert	University of Tartu, EuroCollege, CASS	michael@laf.ee
Ginter, Jaan (Prof)	Prof	University of Tartu	jaan.ginter@ut.ee
Kalmet, Tanel	Adviser	Ministry of Justice	tanel.kalmet@just.ee
Kasemets, Aare	Researcher	University of Tartu, EuroCollege, CASS	aare.kasemets@ut.ee
Kull, Irene	Prof	University of Tartu	irene.kull@ut.ee
Kuusik, Liina	Expert	Jaan Tõnissoni Instituut	liina@iti.ee
Laius, Agu	Director	National Foundation of Civil Society	agu@kysk.ee
Lagerspetz, Mikko	Prof	Tallinn University, Abo University	mikko@ehi.ee
Lang, Rein	Politician	Minister of Justice	
Lepp, Ülle	Researcher / PhD student	University of Tartu	yllelepp@gmail.com
Liiv, Daimar	Judge	Administrative Court, Tallinn	
Linnas, Raivo	Researcher	Tallinn University of Technology	raivo.linnas@ttu.ee
Madise, Ülle	Prof	Tallinn University of Technology	ylle.madise@ttu.ee
Markina, Anna	Researcher	University of Tartu	anna.markina@ut.ee
Pevkur, Aive	Civil servant / researcher	Ministry of Finance / University of Tartu	aive.pevkur@fin.ee
Prii, Asso	Resercher	Transparency International Estonia	asso.prii@transparency.ee
Rikmann, Erle	Researcher	Tallinn University	erle@ehi.ee
Saar, Jüri	Prof	University of Tartu Transparency International Estonia	juri.saar@ut.ee
Saarniit, Leno	Researcher	Tallinn University of Technology	leno.saarniit@ttu.ee
Sihver, Anneli	Civil servant, PhD student	Ministry of Finance / University of Tartu	anneli.sihver@fin.ee
Sootak, Jaan	Prof	University of Tartu	jaan.sootak@ut.ee
Sööt, Mari-Liis	Civil servant, PhD student	Ministry of Justice / University of Tartu	mari-liis.soot@just.ee
Tallo, Ivar	Director	eGovernance Academy, former MP	ivar@ega.ee
Tammerk, Tarmu	Adviser of ethics	Estonian National Broadcast / Transparency International Estonia	tarmu@transparency.ee
Tavits, Margit	Researcher	University of Oxford, Nuffield College	
Vaher, Ken-Marti	Politician, MP	Estonian Parliament, Riigikogu	ken-marti.vaher@riigikogu.ee

By A.Kasemets – Academic CV-s of experts are available via www.etis.ee > People >

Appendix 2. Publications and articles of Estonian experts

Estonian Research Information System (ETIS) www.etis.ee (keyword: corruption, anti-corruption):

Kull, I. (2009). Civil Law Consequences of Corruption in Estonia. Meyer, O. (Eds.). The Civil Law Consequences of Corruption (165 – 182). Baden-Baden: Nomos

Sootak, J. (2008). Altkäemaksu vahendus kui vajaliku osavõtuga koosseis. *Juridica*, IV, 265 – 267. (summary)

Kriz, K.; Meriküll, J.; Paulus, A.; Staehr, K. (2008). Why Do Individuals Evade Payroll and Income Taxation in Estonia? *INFER Advances in Economic Research: Shadow Economy, Corruption, and Governance* (240 – 264). Edward Elgar Publishing

Põlajeva, T. (2008). Analyzing Corruption Through an International Evaluation. Congress of Political Economists International (COPE), 19 Annual meeting „The Economics of Education and Innovation for Sustainability and Growth“ July 12-19, 2008. New Delhi, India. Tartu Ülikool, Majandusteaduskond, 2008, 1 – 11.

Bryane Michael and Aare Kasemets (2007). The Role of Initiative Design in Parliamentary Anti-Corruption Programmes. *The Journal of Legislative Studies*, 13, 280 – 300.

Põlajeva, T. (2007). Underdeveloped Institutional Framework – The Main Purpose for Corruption. Frear, D.; Taylor, W. (Eds.). *4'E's, Economic Development, Environment, Energy and Ethics, in a Global Economy* (381 – 392). USA: COPE, Wilkes University

Saar, Jüri (2006). Is the Corruption Decreasing? *Eesti Päevaleht*, 07.04 (in Estonian).

Spencer, Jon; Aromaa, Kauko; Junninen, Mika; Markina, Anna; Saar, Jüri (2006). Organised crime, corruption and the movement of people across borders in the new enlarged EU: A case study of Estonia, Finland and the UK. Interim Project Report. Sandholtz, W.;

Taagepera, R. (2005). Corruption, culture, communism. *International Review of Sociology*, 15, 109 – 131.

Taagepera, R. (2002). Baltic values and corruption in comparative context. *Journal of Baltic Studies*, 33, 243 – 258.

Ahi, K.; Saarniit, L. (2000). The Role of Codes and Infrastructure of Ethics in Corruption Prevention. *Juridica*, 492 – 507 (in Est).

Markina, A. (1999). Commentary to the report on Indicators of Crime and of the Performance of the Criminal Justice System. M. Joutsen (Eds.). *Five Issues in European Criminal Justice: Corruption, Women in the Criminal Justice System, Criminal Policy Indicators, Community Crime Prevention, and Computer Crime* (180 – 186). HEUNI Publication

Linnas, R. (1998). *Society and Corruption. Rationality and Democratic State: articles and presentations* (9 – 19). Tallinn : Jaan Tõnissoni Instituut

Ministry of Justice web:

Ministry of Justice. Criminal Policy Department. 2009. Crime in Estonia in 2008. *Criminal Policy Studies No 10*. Tallinn, p 48-52 [<http://www.just.ee/30140>]

The Government of the Republic Anti-Corruption Strategy 2008–2012 (Order No. 164 of 3 April 2008). <http://www.korruptsioon.ee/34935>.

Liiv, M.-L., & Aas, K. (2007). *Corruption in Estonia: A survey of three target groups*. Tallinn: Ministry of Justice.

Liiv, M.-L., Hanni, E., & Annist, A. (2006). *Factors contributing to violations by prison guards (incl. corruption) in prison. Example of the Murru and Tartu Prison*. Tallinn: Ministry of Justice.

European Commission. (2008). *Citizens' perceptions of fraud and the fight against fraud in the EU27*

<http://www.korruptsioon.ee/orb.aw/class=file/action=preview/id=39856/EL+elanike+hinna+ngud+korruptsioonile.pdf>

European Commission. (2008b). *The attitudes of Europeans towards corruption*. http://ec.europa.eu/public_opinion/archives/ebs/ebs_291_en.pdf .

Journal of Estonian parliament (Riigikogu Toimetised - RiTo) 2000-2009

<http://www.riigikogu.ee/rito/index.php> > search with keywords:

1) 8 articles, where the corruption is the main topic

2) 14 articles, where the corruption is a sub-topic

3) Ca 38 articles, where the civil society is main or second topic, see also:

<http://www.kysk.ee/?s=47>

Dissertations on corruption at the University of Tartu (1998-2009)

Ca 20 dissertations and some of them in EN, e.g.:

Mari-Liis Liiv - [The causes of administrative corruption : hypotheses for Central and Eastern Europe : \[magistritöö\] /; supervisor: Taavi Annus ; University of Tartu, faculty of social sciences, department of public administration](#) Tartu : Tartu Ülikool, 2004

Articles and news in newspapers at Transparency International Estonia web site:

<http://www.transparency.ee/cm/en/taxonomy/term/25>

Appendix 3a: The structure for content analysis of the anti-corruption projects

(the main structure of database – see 3b)

Content analysis of project documentation (only projects where the corruption is main theme – see table 1 B and C: 5 or 4 points)

Explanation of database headings	
Project no.	1, 2, 3...
Country	
Organization	Main implementing organization; if more organizations involved, state all partners
Contact of organization	Website, as well as e-mail, address, phone number, if available- contact person
Project Name	In English; name in original language if possible
Project Description	A short description of the project in one key sentence; state clearly the goal of the project- what it was meant to achieve; please also state what the target of the project was
Donor	Name
Funded	If funded by donors please write 1, if voluntary - 0
Budget	Sum (EUR) - calculated at the time of implementation; if more than one donors involved, state the sums contributed by each- in EUR
National or sector specific	If national, write 1, if sector specific write 0
If sector specific, which sector?	Health, education, judiciary, etc. Please write the sector as such and we will code it
Dates of implementation	(month/yr- month/yr)
Length in months	
Cooperation with government	Is government at any level involved?
Driver seat	If civil society lead then write 1, else write 0
Media participation	if Yes, write 1; if No, write 0
Coalition	If Yes write 1, if No write 0
Type of coalition	(If coalition, then what type of coalition?) NGOs- write 1, if coalition is broader- 0
Leader	was a clear leader associated in the public opinion with the project?
Incentives	did the project involve creation of incentives for corrupted people/agencies to go clean?
Simultaneous govt campaign	Was the project part of a broader national anticorruption campaign run in the same time with the project: Yes or No
Original/copy	Was the project an import? Yes or No
Impact	How effective the project was? Did it include an indicator of its own impact? Do we have alternative ways of identifying its impact?
Original online sources if available	websites
Country scores	TI, FH-FP, FH-NIT, UNDP Human Development Index, Global Integrity Index, WGI (Kaufmann), some Polity scores

Source: Laura Stefan & Romanian Academic Society team

Appendix 3b: Database of anti-corruption research and/or development projects 1998-2009

(a separate file in Excel according to Appendix 3a: 25 projects).

Table: Database overview: names, short descriptions and implementers of projects (25)

Project	Short description	Implementer
RAISING AWARENESS OF THE ESSENCE OF CORRUPTION AND STRENGTHENING THE FIGHT AGAINST IT IN ESTONIAN SOCIETY 1998	The aim of the project was to increase the interest of the public in the essence of corruption and call the relevant state structures for closer cooperation. The researches on the situation of legislation dealing with corruption in the Republic of Estonia were implemented resulting in written analysis. A seminar and conference "Corruption in Estonia" also took place.	Jaan Tõnisson Institute
RESTRICTING CORRUPTION IN A TRANSITION SOCIETY (LEGAL ASPECTS) 1999-2001	The goals of the projects were: to identify the most corruption-sensitive areas in Estonia; to find the most efficient legal means to restrict corruption; to offer solutions increasing the transparency of decision-making. The project identified and analysed legal aspects of restricting corruption.	Estonian Law Centre (was closed in 2009) as a coordinator University of Tartu; Supreme Court of Estonia
CORRUPTION-FREE ESTONIA 2000	The aim of the project was to present the ways of restraining corruption in Estonian Radio (Vikerraadio) broadcasts	Jaan Tõnisson Institute
RESEARCH ABOUT CORRUPTION DISTRIBUTION IN ESTONIA 2001	The objective of the survey was to investigate how people understand the corruption in society and distribution of corruption. The survey was carried out in December 2001.	Jaan Tõnisson Institute Research was carried out by AS Saar Poll. Analysis was made by Mr Ivar Tallo
INCREASING TRANSPARENCY OF THE DEMOCRATICALLY ELECTED INSTITUTIONS BY EDUCATING THE MEMBERS OF THESE INSTITUTIONS 2000-2001	Primary aim of the project is to increase the know-how of the local government and public officials about corruption to intensify the anti-corruption fight. Three seminars dealing with different aspects of corruption were organized. Collection of articles "Korruptsiooni võimalikkusest avalikus sektoris" was published in 2001.	Jaan Tõnisson Institute
INCREASING PUBLIC AWARENESS PROBLEMS CONNECTED TO CORRUPTION USING WEBPAGES, NEWSPAPER „SÕNUMILEHT“ AND BROADCASTING 2002	The aim of the project was to promote the fight against the corruption by improving adequate education and encouraging different organizations to cooperate and share information.	Jaan Tõnisson Institute (JTI)
INCREASING THE AWARENESS OF ESTONIAN, LATVIAN AND LITHUANIAN PUBLIC SERVANTS AND JOURNALISTS ABOUT INTERNAL AUDIT AND POLITICAL CORRUPTION 2002	The aim of the project was to develop national integrity system of Estonia, Latvia and Lithuania by restraining corruption through the training of public servants and journalists. One part of the project was the dissemination of the principles of good governance and relevant information using Internet.	Jaan Tõnisson Institute
EUMAP (EU MONITORING AND ADVOCACY PROGRAM) REPORT ABOUT CORRUPTION 2002	The aim of the project was to compose EUMAP report about corruption in Estonia. The problems highlighted in the report were introduced to the public during numerous seminars and workshops.	Jaan Tõnisson Institute

TRANSLATING AND ADAPTING TI ANTI-CORRUPTION HANDBOOK 2002-2003	As the result of the project TI Anti-corruption handbook was translated and adapted for Estonia. The second part of the handbook was composed as a collection of practical cases studies of fighting against corruption in Estonia and available statistics.	Jaan Tõnisson Institute
CURBING SYSTEM LEAKAGES: THE HEALTH SECTOR AND LICENSING IN ESTONIA, 2002	The Baltics social audit measured the public's perception of the social phenomenon of corruption and their concrete experience with corrupt practices in the health care and licensing sectors. Final sample was 3388 households, 7526 people.	Ministry of Justice
CORRUPTION RESEARCH 2004	The objective of this project was to map how people perceive the corruption in society. Research sample was 1000 respondents. The survey was carried out in December 2003.	Ministry of Justice Research was carried out by AS Turu-Uuringud
DEVELOPMENT OF LOCAL GOVERNMENTS' PUBLIC INTERNAL FINANCIAL CONTROL (PIFC) SYSTEM	The objective of this project was to enhance the strategic management capacity of public administration at local government's level and improve sound financial management of public funds. Specific objective of the project was to introduce and develop the functionally independent internal control and audit systems in local governments of Estonia, in order to meet the EU requirements on PIFC.	Ministry of Finance
CORRUPTION IN ESTONIA: ANALYZING 3 DIFFERENT TARGET GROUPS 2004	The survey was carried out in December 2004 in three parts: interviews with the general population of Estonia (1002 respondents, one-on-one interviews), entrepreneurs (503 respondents, telephone interviews) and employees of the public sector (901 respondents, internet interviews).	Ministry of Justice University of Tartu TNS EMOR
CORRUPTION IN ESTONIA: ANALYZING 3 DIFFERENT TARGET GROUPS 2006	Survey Corruption in Estonia: analyzing 3 different target groups at the first time was carried out 2004. In autumn 2006 the second survey was carried out in three parts: interviews with the general population of Estonia (503), entrepreneurs (500) and employees of the public sector (1321)	Ministry of Justice University of Tartu TNS EMOR
PREVENTING CORRUPTION IN MANAGEMENT OF DISTRICTS AND TOWNS, 2009 AUDIT REPORT ARUANNE	The main objective of the audit was to study and reflect typical cases of conflict of interests in the public management of districts and towns in Estonian legal framework. The audit report were published and discussed, also some investigations were started by Police based on the report and regulations	National Audit Office of Estonia
ENHANCING WHISTLEBLOWER PROTECTION 2009-2010	The main objective of the report is to analyse the Estonian legal framework on whistleblower protection as well as its application. The report consists of 5 chapters.	Transparency International Estonia - Korruptsioonivaba Eesti
PREVENTING CORRUPTION IN JOURNALISM, 2008	Research "Transparency in Estonian Journalism" was concentrated on two aspects. Firstly there was analyzed how Estonian journalism is considering corruption and thought that is developing conception and notions of society. Second goal was to observe journalism itself as part of public government and possibility to be menaced.	Transparency International Estonia - Korruptsioonivaba Eesti
STUDY: „ACCESS TO THE PUBLIC INFORMATION IN ESTONIA“ 2003-2004	The aim of the study was to analyze the access to the public information in Estonia. The Public Information Act (2000) was analyzed by comparing it with the relevant legislation of other countries.	Jaan Tõnisson Institute
STRENGTHENING THE LOCAL GOVERNMENT SYSTEM INTEGRITY BY TRAINING PUBLIC SERVANTS 2003-2004	The aim of the project was to develop national integrity system of Estonia by restraining corruption through the training of public servants and journalists. One part of the project was the dissemination of the principles of good governance and relevant information using Internet.	Jaan Tõnisson Institute

TRANSPARENCY THROUGH AWARENESS 2005	The aim of the project was to analyze the publication and transparency of the resources of EU structural funds and to achieve more transparency in the relevant decision-making process and the consultation with the civil organizations in these processes.	Jaan Tõnisson Institute
PROJECT "NEW CIVIL SERVANTS A CUSTOMIZING TRAINING" 2007	Training program for civil servants to rise awareness on corruption and analyse the problems in public services (code of ethics, public procurement etc)	State Chancellery
"ORGANISED CRIME, CORRUPTION AND THE MOVEMENT OF PEOPLE ACROSS BORDERS IN THE NEW ENLARGED EU: A CASE STUDY OF ESTONIA, FINLAND AND THE UK"	This project investigates the problem of corruption by organised crime in relation to border controls and immigration using as a case study the Estonian and Russian border; particular attention is given to the issues raised in {COM(700)} concerning the 'Development Plan of Border Guards' and the planned cooperation in relation to Organised Crime and Combating Corruption.	University of Tartu, Faculty of Law
ESTONIAN COURTS – PART OF THE GOVERNMENT STRUCTURE, WHICH NEED OBSERVING 2008-2009	The project had two phases. The aim of the first phase of the project was to get information on how citizen-friendly and comprehensible are the courts of justice in Estonia. The initial analysis was based on the questionnaires filled in by the volunteer observers who attended the court sessions. The second phase of the project was concentrated on a legal analysis of corruption related cases handled in Estonian courts in the period of years 2002-2008.	Transparency International Estonia (Korruptsioonivaba Eesti) Centre for Voluntary Activities (Vabatahtliku Tegevuse Keskus)
WITH BUSINESS ETHICS AGAINST CORRUPTION 2009	The goal to that project is to raise entrepreneurship sector awareness about business ethics and to help to develop business ethics regulations by economic branches.	Transparency International Estonia - Korruptsioonivaba Eesti
ESTABLISHING CIVIL SOCIETY NETWORK FIGHTING AGAINST CORRUPTION, 2009	Long-term goals of the project: 1) To raise general awareness in corruption area of society, 2) Activating anti-corruption activity-conclusion of different organisations, unions, institutions to concrete anti-corruption activities, 3). Creating clearly formed and active negative attitude towards corruption in Estonia.	Transparency International Estonia - Korruptsioonivaba Eesti

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