

ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

OVERVIEW OF PRACTICES FOR THE COLLECTION OF CORRUPTION DATA AND STATISTICS IN EU MEMBER STATES

QUERY

How do EU member states collect statistics and information about corruption cases? What kind of corruption cases (criminal, administrative/reported by citizens, law enforcement bodies) are statistics collected for? Is the data collection and dissemination centralised in one administration or decentralised? Is information about follow-up to these cases made public?

PURPOSE

This answer will contribute to informing the European Commission's work with our counterparts to enhance transparency and effective data collection on corruption.

CONTENT

1. Overview of corruption-related data collection methods
2. Country examples
3. EU tools on statistics



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CAVEAT

There is only limited literature available on national statistical reporting on corruption and no best practices have yet been identified. National statistical data is usually available only in the national language. The country examples below were selected based on the linguistic resources available in the research team and expert network.

SUMMARY

There are neither documented best practices nor standardised ways for EU member states to collect data and produce statistics about corruption. Very limited research has been conducted on this topic. The recent National Integrity System assessments conducted in European member states concluded that some member states do not even collect such statistics.

Corruption-related data collection, meaning criminal cases reported to law enforcement authorities as well as administrative cases of corruption, can be centralised or decentralised. Governments opting for centralising the data collection often delegate this task to their anti-corruption commission or the national statistics bureau. Corruption statistics produced generally restrict analysis to criminal cases of corruption. Only in a few instances are administrative cases included in the analysis. Data is often collected regarding the source of detection of corruption cases as well as their outcome (criminal or administrative sanctions).

From the research conducted in the framework of this paper, it appears that centralising the data, as is the case in France, simplifies public access to information about corruption, providing a more accurate overview of trends and patterns. However, this approach seems to be the exception rather than the rule.

1 DATA COLLECTION ON CORRUPTION

The systematic collection of national data regarding corruption across all sectors and at the different levels of government, whether relating to criminal or administrative cases, is essential in order to better understand and raise awareness of the actual nature and extent of corruption in a given country. The United Nations Convention against Corruption (UNCAC), in its Article 61 “Collection exchange and analysis of information on corruption”, recognises the need for high-quality data analysis to render the fight against corruption efficient:

“Each State Party shall consider analysing, in consultation with experts, trends in corruption in its territory, as well as the circumstances in which corruption offences are committed.

“States Parties shall consider developing and sharing with each other and through international and regional organisations statistics, analytical expertise concerning corruption and information...”

The Council of Europe echoes this statement with its Twenty Guiding Principles for the Fight against Corruption, encouraging member states to conduct research on corruption. Establishing the means to systematically collect information about corruption at the country level is a common recommendation of many international organisations (OCDE, GRECO, G20, UNODC etc.). Coordination, monitoring and research are key attributes of a comprehensive anti-corruption strategy and require institutionalisation and coordination of data collection through specialised state bodies (OECD, 2008).

However, there is no common standard regarding how to collect national data about corruption cases and which data to collect. As pointed out by the European Commission, there are considerable differences in the methods and definitions used in the various member states to collect data and national statistics (Eurostat, 2010).

Some countries use a centralised approach, with one state body in charge of collecting and disseminating all types of corruption statistics; others count on a series of state institutions to each collect the data about corruption cases that is relevant to them. The level and amount of information collected also varies, depending on the source of reporting and the type of corruption cases (criminal or administrative).

Type of data collected

The most commonly-available national data on corruption regards criminal cases, since there are certain transparency requirements linked to the judiciary and judicial decisions (Transparency International, 2007). There are, however, examples of governments collecting and disseminating information about non-criminal cases of corruption as well.

Criminal cases

Generally, criminal cases of corruption are commonly collected, by law enforcement bodies; however there are several different methods used to collect and communicate the data.

By offence

A very common method for gathering information about corruption cases and analysing trends is offence-based collection. Many states operate computerised databases to manage criminal cases and data, and these are often designed according to the criminal offences existing in the legislative framework. Cases and statistics are thus disaggregated according to the various corruption offences.

Court decisions or all cases investigated

From the country examples featured below, another difference in collection of information on criminal cases of corruption is the level to which the case has been examined within the judicial system. Some institutions only collect information on final court decisions (Portugal's Ministry of Justice), whereas others integrate all cases reported, regardless of the outcome (Austria's BAK).

Administrative cases

Non-criminal cases of corruption, such as administrative conflicts of interest, professional misconduct and disciplinary actions against employees in public bodies, are most often dealt with within the individual state bodies (as shown in the UK example below).

From the research conducted for this paper, there are only a few cases where statistics about administrative cases of corruption are reported on and integrated in a broader overview of corruption. The case of France developed below seems quite unique in the sense that the anti-corruption commission works closely with the different administrations to provide the broadest possible picture of corruption in a given year.

Sources of detection

Most statistical reports contain information regarding the source of detection of the corruption offence.

Regarding criminal cases, the most common sources of detection are:

- individuals
- journalists
- colleagues
- the police
- the Anti-corruption commission
- the Public Prosecutor's Office
- the Ministry of Justice
- anonymous reports
- other state bodies

For administrative cases, reports on corruption

cases and suspicions most often come from:

- individuals
- journalists
- internal investigations
- colleagues
- managers
- anonymous reports
- others

Follow-up to reported cases

In many cases, the relevant state institution(s) in charge of collecting data on corruption cases also provide statistics about the outcome of the reported cases.

Information regarding the outcome of the corruption cases, both criminal and non-criminal, can include the percentage of cases investigated and dismissed as well as statistics about the sentences applied.

From the research conducted for this paper, there was no instance of reporting and dissemination on the course of cases. Most governments publish only statistical data as opposed to information about isolated cases. Nevertheless, the countries equipped with computerised databases have their data systematically updated with the information received from courts.

Centralised vs. decentralised data collection systems

EU member states adopt different approaches when it comes to attributing responsibility for collecting national data related to corruption. Some choose to delegate this task to a single organisation, often the national anti-corruption commission/agency; while others opt for a decentralised approach, by which each state institution collects and disseminates (or not) the data relevant to them.

Centralised collection

When the collection of corruption-related data is centralised, it is most often the responsibility of the national anti-corruption commission, as is the case in France. International instruments and standards

identify corruption-related research and monitoring as the prerogative of the anti-corruption commission (OECD, 2008).

In a few cases, the national statistical bureau has been tasked with the gathering of information about corruption numbers and trends in the country, as in Sweden. However, having a centralised data collection system does not necessarily mean that the data collection is systematic and comprehensive. If the statistics are not integrated in a regularly-issued report, for instance the annual report, the statistical analysis might be commissioned by the government on specific occasions.

*Multi-institutional approach*¹

From the research undertaken in the framework of this Helpdesk answer, decentralised data collection regarding corruption cases appears to be the most common scenario in the EU, meaning that the responsibility for gathering statistics and analysing trends is scattered across different administrations.

This situation is common in countries lacking an anti-corruption commission. In situations where no single institution is tasked with centralising corruption-related data, information regarding corruption is normally held by the Ministry of Justice, the Office of the Prosecutor and/or the police for the criminal cases, and by the various state bodies regarding their internal administrative corruption cases and sanctions. However, in such situations it is rare to find data regarding administrative cases since it is seldom published.

Publication and dissemination

As mentioned below, the UNCAC encourages states to collect information regarding corruption and to share it with other states and international organisations. At the national level, it is a growing practice to also proactively disseminate the information to the public, as part of access to information and transparency requirements.

From the country examples, it appears that many governments disseminate data and statistics about corruption yearly in an annual report (usually issued by the anti-corruption commission, as in Austria and France). Sometimes publications disseminating corruption statistics cover several years and are published with longer intervals (Sweden).

In a few cases the data is not made available to the public proactively but only upon request (Portugal's Public Prosecutor's Office).

2 COUNTRY EXAMPLES

There are no best practices identified in the literature with regards to corruption-related data collection. The country examples featured in this paper were selected based on responses and information provided by Transparency International's chapters. They illustrate different approaches in compiling data but are not necessarily good practice examples.

These examples demonstrate substantive differences in the way in which the various countries examined collect and share data about corruption cases and statistics. Without calling it best practice, the choice of centralised data collection, as in France, appears to be a more efficient way to provide an overview of corruption in a given country, based on the expert feedback received. This approach, however, seems to be the exception rather than the rule.

There appears to be a trend in recent years to produce full reports on the nature and patterns of corruption at the national level (other countries not featured below have recently launched this type of initiative, for example Italy).

More information regarding EU member states' integrity systems can be found in Transparency International's [National Integrity System Assessments](#). In addition, Transparency International publishes an [annual assessment of the enforcement of the OECD Convention on Combating Bribery](#), providing statistics regarding

¹ Information gathered through interviews with our chapters in EU member states.

foreign bribery cases investigated in the various OECD countries.

Countries with centralised data collection

France

The French anti-corruption commission, the *Service Central de Prévention de la Corruption* (SCPC), created in 1993, under the supervision of the Ministry of Justice, is responsible for the collection and centralisation of corruption-related information.

The SCPC publishes an annual report providing an overview of the state of corruption in France and of the commission's activities. This statistical perspective of corruption in France uses both criminal justice sources as well as extrajudicial sources.

With regards to criminal cases of corruption, the SCPC collects information from:

- the *casier judiciaire* (national criminal record), which comprises all offences that led to a criminal sentence
- the new computerised database *Cassiopee*, which registers and monitors all criminal proceedings from the *tribunaux de grande instance* (district courts)
- the cases communicated to the *Direction des affaires criminelles et des grâces* (Ministry of Justice's Directorate for Criminal Matters and Pardons)

The purpose of the SCPC with regards to criminal statistics is to simplify the data and make it comprehensible; to produce reliable and precise information; to provide a quantitative and qualitative analysis of the corruption phenomenon as well as enabling comparison over time. It groups the cases by type of offence following the criminal code, establishes statistics regarding the course of the cases (pursued/not pursued cases, motives for not pursuing, etc.) and statistics regarding the criminal sentences.

With regards to extrajudicial sources, the SCPC relies on the information provided by state bodies in response to a questionnaire. The data is therefore not exhaustive and has some methodological limitations. The SCPC nevertheless reveals interesting information on the source of detection of the corruption case (complaint, reporting, internal investigation etc.), on the type of corruption as well as on the sanction applied. These statistics, regarding professional misconduct and non-compliance with existing integrity mechanisms, are aggregated to provide a general overview and then structured by institution.

The reports are put online and made available for free, on the website of the [Documentation française](#) after one year during which they are only made available free of charge to the state administrations and a number of relevant stakeholders.

For more information (in French), see: <http://www.justice.gouv.fr/le-ministere-de-la-justice-10017/service-central-de-prevention-de-la-corruption-12312/>

Sweden

Sweden also has a centralised approach to data collection on corruption. However this is performed by its criminal statistics bureau under the Ministry of Justice, the *Brottsförebyggande rådet* (Brå) (Swedish National Council for Crime Prevention), an agency tasked with collecting and disseminating data about crime and crime prevention.

Brå produces several reports about corruption. It regularly (every three/four years) publishes overviews on the state and structure of corruption in the country, using the information received from the anti-corruption unit, regarding criminal cases. The purpose of this report, beyond disseminating rigorous information about corruption trends, is to raise awareness in the public and private sectors about risk areas and to suggest mitigation strategies.

The reports on the state of corruption in Sweden provide data on the sectors (public/national;

public/communal; private sector; individuals; associations/foundations) and the regions where the offences occurred. They disaggregate the information according to the types of offence and offer statistics about the criminal sentences imposed for the various offences.

The reports offer interesting insights into the nature of corruption and favours exchanged. They offer an analysis of the forms that bribery takes (money, travels, entertainment, undue influence, etc.) in the various sectors.

Lastly, they profile both the offenders and the individuals who report corruption and lodge complaints. These reports provide statistics on age, gender and position of the offenders. Regarding the source of detection, they differentiate, when possible and the reporting is not anonymised, between private individuals, supervisors/colleagues, journalists, revenue authorities, bribe-takers, bribe-givers and others.

In addition to these overview reports, Brå occasionally produces sector-specific publications providing in-depth information on corruption in the private sector, in the judiciary, in public procurement, or about the police and organised criminal groups. Brå works closely with the *Statskontoret* (The Swedish Agency for Public Management), which is the state body responsible for assessing the performance of the public administration. *Statskontoret* recently published a report on corruption in the local administration, as a complement to the data provided by Brå.

For more information (in Swedish and English), please refer to the website of the [Brottsförebyggande rådet](#) and to the website of the [Statskontoret](#).

Austria

The 2010 Federal Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption established Austria's anti-corruption commission, the *Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung*

(BAK), administratively located in the Ministry of Interior, tasked with preventing and fighting corruption through research and awareness-raising, education, law enforcement and international cooperation. The BAK is responsible for collecting and maintaining data about corruption in the country and produces an annual report containing statistics about corruption.

The BAK only collects statistics about criminal cases of corruption. The statistics presented in the annual report relate exclusively to allegations and/or suspicions of offences based on complaints, meaning that the cases featured in the annual report do not necessarily lead to criminal sentences. If a case is concluded within the examined period of time, the statistics will take the conclusion into account.

Complaints and reports on corruption cases can come from law enforcement bodies, other administrations or individuals. The BAK provides an overview of the source of detection of corruption cases, categorised as federal police, criminal intelligence of the *Länder* (local governments), private individuals, Prosecutor's Office, Ministry of Interior, police inspectorates, BAK, anonymous reports and others. The BAK also provides data on corruption cases disaggregated by regions.

The BAK has only been operational for three years and experts² consider that the data it provides is still not sufficiently comprehensive. There is another institution tasked with conducting research on crime and criminal justice, the *Institut für Konfliktforschung* (IFK) (Institute for Conflict Research). The IFK produced a report on the dimensions and patterns of corruption in Austria, using the records of criminal proceedings in corruption cases conducted by the country's 16 regional courts, covering both public sector corruption and private-to-private corruption. The IFK completed the analysis of criminal records with additional expert interviews to examine the "undetected corruption", and concluded that court records seemed to provide a reliable picture of patterns of corruption in Austria.

² Information provided by experts in the Transparency International movement

For more information, please refer to the [website of the BAK](#) and the [website of the IFK](#).

Countries with decentralised data collection

The UK³

The UK does not have an anti-corruption commission and experts argue that there is a need for an institutional focal point to provide leadership around anti-corruption efforts. Statistics and data on corruption are indeed scattered among various state institutions. There are at least 12 different agencies or government departments with partial responsibility for corruption, plus more than 40 police forces, and it is unclear whether they share information, collaborate on investigations or share good practice on corruption prevention, according to a recent report by Transparency International UK.

Corruption statistics and data about corruption cases are currently held across the following organisations:

- City of London Police – Overseas Anti-Corruption Unit
- Metropolitan Police – Proceeds of Corruption/Crime Unit
- Serious Fraud Office
- City of London Fraud Squad
- National Crime Agency
- Action Fraud
- HM Revenue and Customs
- Crown Prosecution Service

The level of information provided by these different state bodies varies and they all focus on criminal cases of corruption. The Serious Fraud Office is considered to be the entity from which it is easiest to obtain information; its annual reports and website contain extensive information about past and on-going cases of fraud and corruption.

Regarding administrative cases of corruption, several state bodies have their own internal

investigative capacity but the publicly-available information on cases is very limited. The Audit Commission has conducted several investigations regarding corruption in local authorities and runs an annual national survey of fraud and corruption in the public sector, including almost 500 public bodies. Information about fraud and corruption can be found in the Audit Commission's "Protecting the Public Purse" reports, which are published annually.

For more information, please refer to Transparency International UK's ["Corruption in the UK" webpage](#).

Portugal⁴

Portugal has a decentralised method of collecting data about corruption. The main state bodies in charge of collecting and analysing statistics on corruption are the Public Prosecutor's Office and the Ministry of Justice.

These institutions produce data about corruption-related criminal cases. The Public Prosecutor's Office collects information based on the characterisations of criminal offences as inserted by prosecutors into the computerised system used to manage criminal inquiries. The data collected by the Public Prosecutor's Office includes the cases that were investigated but did not go to court, unlike the statistics of the Ministry of Justice which are limited to court decisions. Both institutions gather information based on the corruption offences as established in the country's legal framework.

Very limited data is made publicly available. The statistics of the Public Prosecutor's Office, which are more comprehensive, are not made available on the institution's website. The Ministry of Justice's statistics are available online. These institutions do not report on the follow-up of cases. The Public Prosecutor's Office might issue press releases to provide information on the follow-up of particularly important cases; otherwise this responsibility has generally been assumed by the media.

³ Information provided by experts in the Transparency International movement

⁴ Information provided by experts in the Transparency International movement

In addition to the law enforcement institutions, the Council for Corruption Prevention also collects information about corruption cases but, similarly to the Public Prosecutors' Office, does not proactively disseminate the information. Experts indicate that there is no centralised collection of data regarding non-criminal cases of corruption in Portugal.

3 EU TOOLS ON STATISTICS AND REPORTING

The European institutions are encouraging effective statistical reporting and have developed texts and tools in this regard.

Commission decision on the EU anti-corruption report

In 2011, the European Commission adopted a Decision on Establishing an EU Anti-corruption reporting mechanism for periodic assessment. This decision followed, inter alia, the European Council Stockholm Programme, inviting "the Commission to develop indicators, on the basis of existing systems and common criteria, to measure anti-corruption efforts" in member states, as well as the Written Declaration No. 2/2010 of the European Parliament on the EU's efforts in combating corruption, urging "the European institutions to adopt a comprehensive anti-corruption policy and create a clear mechanism for monitoring the situation in member states on a regular basis".

With this decision, the European Commission is setting up a mechanism to periodically assess anti-corruption efforts in member states, to identify trends and best practices, to make recommendations and to help member states raise awareness about the issue. This reporting mechanism will be managed by the commission with the assistance of an expert group and research correspondents in each member state. The first report should be published by the end of 2013.

To access the text of the decision, please refer to: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/com_decision_2011_3673_final_en.pdf.

European statistics code of practice

In 2011, Eurostat, the statistical office of the EU, developed a code of good practice to be used by statistical authorities and national statistics institutes to strengthen the quality, credibility and consistency of statistical data produced in the region. This guidance note is also relevant to the collection of corruption data.

"The European Statistics Code of Practice is based on 15 Principles covering the institutional environment, the statistical production processes and the output of statistics. A set of indicators of good practice for each of the Principles provides a reference for reviewing the implementation of the Code. The quality criteria for European Statistics are defined in European Statistical Law."⁵

Regarding the institutional environment, the code of practice recommends professional independence, a clear mandate for data collection, adequacy of resources, quality commitment, statistical confidentiality, impartiality and objectivity. On the statistical process, the code of practice looks at a number of aspects such as sound methodology, appropriate statistical procedures, non-excessive burden on respondents and cost-effectiveness. Lastly, regarding the statistical outputs, the important issues concern the extent to which the statistics are relevant, accurate and reliable, timely, coherent, comparable across regions and countries, and readily accessible by users.

The European Statistics Code of Practice can be accessed [here:](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-32-11-955/EN/KS-32-11-955-EN.PDF) http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-32-11-955/EN/KS-32-11-955-EN.PDF

⁵ This paragraph was taken from the code of practice

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