

Parliamentary approach to corruption:

In Albania, as well as in other constitutional democracies, the drafting of legislation or the law-making process is considered an essential attribute of 'Parliament Sovereignty', which is otherwise known as 'Legislative Supremacy'. The manner of adoption of legislation is important from the viewpoint of legitimacy of both the legislation and legislature. It is a given that actors with strong legitimacy have a better position from which to both fight corruption and public trust.

Members of Parliament should avoid placing themselves in the role of "notary" of the will of the executive. Voters want to participate on the scrutiny process of bills by their MPs. During the scrutiny of the bills in the committees of the Parliament (committee phase) they must advocate for the citizens to exercise their right "to consult, invite and request the opinions of experts, ministries and relevant state offices, the public and the other interested parties". This way, the Parliament can influence the activity of the executive, and thus the executive will learn to engage and negotiate transformative political actions.

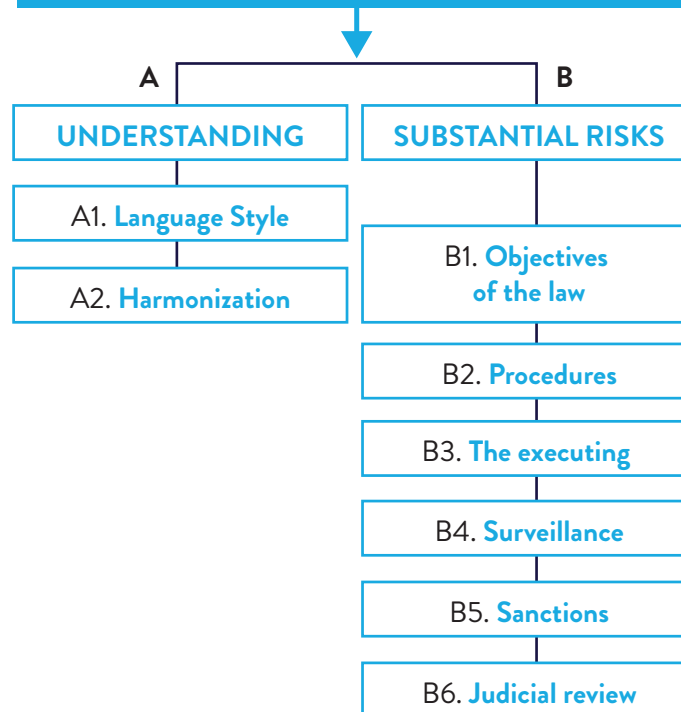
The purpose of corruption-proofing of legal acts:

- Prevention of corruption by eliminating corruption risk factors from draft laws;
- Raising awareness to the authors of the draft laws and the general public about the risk factors and corruption risks identified in the draft laws, and
- Providing additional protective measures to ensure that the legislative process advances the interests of citizens and is motivated by the protection of the public interest.

Main aspects for MPs when scrutinising a bill:

- who is going to benefit the most from the bill;
- whether there are groups within the society (for example, marginalised groups) upon whom the bill will have a lasting negative impact;
- whether the bill contains provisions which create discretionary powers for officials;
- whether the bill contains vague or abstract provisions and terms not defined;
- whether, overall, the bill provides less transparency and accountability.

Checklist for evaluating spaces for Corruption



RECOVERY OF ASSETS STOLEN THROUGH CORRUPTION

The process through which the proceeds of corruption are recovered and repatriated to the country from which they were taken hereafter the "country of origin" or the "victim country" or through which the proceeds are disposed of including through compensation of individual victims.

What do we mean by asset recovery?

The term “asset recovery” means the return, repatriation or sharing of illicit proceeds, where those proceeds are located in foreign countries. The illicit proceeds subject to asset recovery may or may not have been confiscated. (Guidance for best practices on confiscation [recommendations 4 and 38] and a framework for ongoing work on asset recovery –FATF)

“Asset recovery”: The process through which the proceeds of corruption are recovered and repatriated to the country from which they were taken hereafter the “country of origin” or the “victim country” or through which the proceeds are disposed of including through compensation of individual victims. It usually involves several phases including the freezing, confiscation and ultimately return of the assets to the country of origin (known as the repatriation or restitution phase). (Transparency International)

Civil society and asset recovery

- Effective anti-corruption work demands efforts not only from governments but also from civil society organizations, the private sector and the greater public.
- Without pressure from civil society groups, the government commitment may remain mere window dressing.
- Without coordinated global action by a range of civil society groups, the UNCAC may not achieve its promise.
- The need for participation of civil society and the importance of access to information are explicitly recognised in Article 13 of the UNCAC.

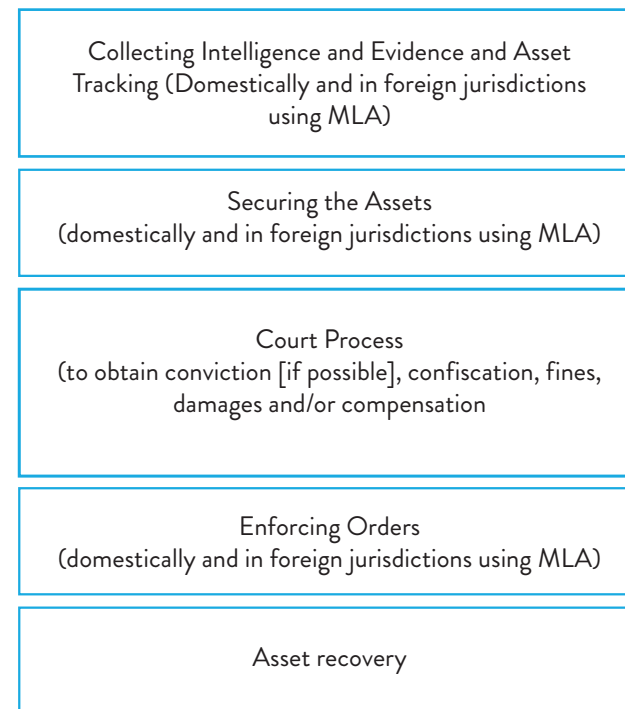


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(Transparency International)

Process for recovery of Stolen Assets



MLA: Mutual Legal Assistance

FATF: Financial Action Task Force

Ten Principles of Effective evaluation of legal spaces for corruption

Principle 1: Scope

Principle 2: Prioritisation

Principle 3: Regulatory corruption risks

Principle 4: Timing

Principle 5: Responsible entity

Principle 6: Recommendations

Principle 7: Compliance

Principle 8: Online publicity

Principle 9: Broader framework on transparency and integrity

Principle 10: Training and public awareness