



2012 PERFORMANCE REPORT OF THE SPECIAL INVESTIGATION SERVICE OF THE REPUBLIC OF LITHUANIA

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MISSION, OBJECTIVES AND STRUCTURE

Special Investigation Service of the Republic of Lithuania (further – STT) is a state law enforcement agency functioning on the statutory basis, accountable to the President of the Republic and the Seimas, which develops and implements corruption prevention measures, detects and investigates corruption related crimes.

Reduction of corruption is a common public concern and a goal pursued by both public institutions and the public in general. Therefore, STT has been provided with a role as a coordinator and assistant in striving to integrate anti-corruption activities into a consistent and well-targeted system.

STT mission is to reduce corruption as a threat to human rights and freedoms, the principles of the rule of law and economic development.

STT strategic objective is to decrease and control corruption in the state.

STT lines of activities:

1. Criminal prosecution for corruption-related criminal acts.
2. Corruption prevention.
3. Anti-corruption public education and public awareness raising.

STT objectives:

1. Swift, thorough and legal detection of corruption-related criminal acts.
2. Detection and elimination of causes and conditions for corruption.
3. Creation of a general intolerance towards corruption and building up a positive reputation of the STT.

Programme implemented by the STT – Fight against Corruption-Related Crimes and Law Violations and Corruption Prevention (01.004) – is continuing and long-term.

By implementing the Programme, the STT works towards the goals laid down in the Law on the Special Investigation Service such as protection and defence of the person, society and state from corruption, exercising prevention and detection of corruption and compliance with international obligations of international conventions against corruption.

The Programme implemented by the STT is related with the National Anti-Corruption Programme for 2011–2014 and the Plan of Measures for the Implementation of the Programme (Official Gazette, 2002, No. 10-355; 2011, No. 77-3727) where corruption is considered as a threat to political system, civic society and national security, therefore, the provided measures are aimed at the implementation of a targeted and effective anti-corruption policy.

STT structure

In 2011, the structure of the STT comprised the Administration Department, First Department, Second Department, Corruption Prevention Department, 5 territorial units (Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys Departments) and Accountancy, Planning, Security, Public Relations and Internal Audit Divisions.

STT structural units have been formed on the basis of their key purpose and general practical functions.

Direct responsibility for the detection and investigation of corruption-related criminal acts lies with Vilnius, Kaunas, Klaipėda, Šiauliai, Panevėžys, First and Second Departments, Administration Department, Complaints Division as well as units performing special functions such as Security Division, IT Division and Legal Division of Administration Department. For example, specialists of the IT Division

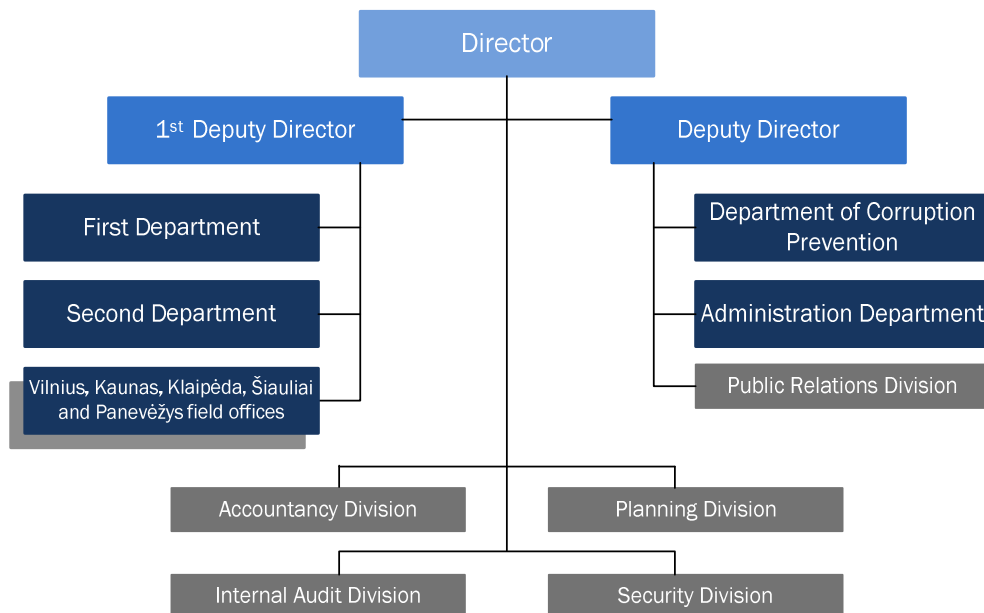
do a search for evidence (electronic information) of corruption-related criminal acts in the course of criminal intelligence and pre-trial investigation.

Responsibility for the disclosure and elimination of causes and conditions for corruption rests with the Corruption Prevention Department, corruption prevention subdivisions of territorial units as well as the First Department and Legal Division of the Administration Department. For example, the First Department collects information on individuals seeking or holding a position at a state or municipal institution or enterprise, the Legal Division of Administration Department develops draft legal acts falling within the realm of its competence aimed at elimination of causes and conditions for occurrence of corruption.

Responsibility for building up general intolerance towards corruption and positive institutional standing falls on the Public Relations Division.

Administration Department, Planning Division and Accountancy Division are responsible for the management of human, material and financial resources.

Fig. 1. **STT organisational structure**



Standards of anti-corruption agencies

In order to ensure effective anti-corruption efforts and reap benefit from best practices, worldly recognised and internationally stipulated key standards for anti-corruption agencies (further - ACAs) must be achieved.

The standards are consistent with international conventions and legal instruments such as the United Nations Convention against Corruption (UNCAC), the Council of Europe Criminal Law Convention on Corruption, the Council of Europe Civil Law Convention on Corruption, Council of Europe resolution (97) 24 on the Twenty Guiding Principles for the Fight Against Corruption, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-Bribery Convention), etc.

The rule of law

Art. 5, 6 and 65 of the United Nations Convention against Corruption (UNCAC), Art. 20 of the Council of Europe Criminal Law Convention on Corruption (CETS 173), EPAC Declarations 2004-2011.

One of the essential prerequisites and components for an effective anti-corruption authority (ACA) is to provide a proper and stable legal framework, which serves the purpose of the establishment and maintenance of the ACA, as well as of regulating.

This helps to avoid political influence and politically-biased *ad hoc* legal acts, fosters legal and factual power of ACAs and creates conditions for their long-term operation.

Independence

Art. 6 and 36 of the United Nations Convention against Corruption (UNCAC), Art. 20 of the Council of Europe Criminal Law Convention on Corruption (CETS 173), Guiding Principle 3 of the Council of Europe Resolution (97) 24 on the Twenty Guiding Principles for the Fight Against Corruption, EPAC Declarations 2004-2011.

Requirement for ACAs to be independent is a *prima facie* issue. Independence must be understood as enabling the ACA to perform its functions without undue influence. Independence is a key element for establishing and safeguarding the overall credibility of the ACA. There are several aspects to independence, which include political independence; functional and operational independence; as well as financial independence. Freedom of decision-making and freedom to take the appropriate actions are of utmost importance for the ACA, especially to investigate and/or prosecute allegations. Where appropriate, it enables to apply the element of surprise, maintain the key force of activity and ensure its success. So, it is only too natural that any untimely, inappropriate, extensive, ungrounded or illegal ACA obligation to account for/consult with is formally unproductive and inflicts harm to the independence and ultimately to legitimacy and reliability of the institution. The ACA must keep specialisation in fighting against corruption and have a mandate to make decisions on resources (including human resources) and make use of the existing capacities at its own discretion and without any prior approval or consultancy.

Accountability

Art. 1 and 8 of the United Nations Convention against Corruption (UNCAC), Guiding Principle 10, 11, 13 of the Council of Europe Resolution (97) 24 on the Twenty Guiding Principles for the Fight against Corruption, EPAC Declarations 2004-2011.

In order to ensure public confidence, the ACA needs to be accountable for the way in which it discharges its responsibilities and conducts itself. Likewise, staff within the ACA must be accountable for their decisions and actions. Appropriate mechanisms should be established to ensure proper governance of the ACA, its performance and effectiveness, and compliance with the relevant statutory, Regulatory and ethical frameworks.

Integrity and impartiality

Art. 1 and 5 of the United Nations Convention against Corruption (UNCAC), Resolution 51/59 UN General Assembly, International Code of Conduct for Public Officials, Guiding Principle 10 of the Council of Europe Resolution (97) 24 on the Twenty Guiding Principles for the Fight Against corruption, EPAC Declarations 2004-2011.

Integrity may be defined as acting or being in accordance with the moral values, norms and rules, valid within the context in which one operates. In public administration, integrity refers to honesty and trustworthiness in the discharge of official duties, serving as an antithesis to corruption or the abuse of office for private gain. Impartiality means acting independently of any partisanship. This reinforces the independence and autonomy of the ACA but is distinct in that, in addition to the ability to act, the ACA and its staff must be able to make objective decisions based upon the merits and circumstances of a particular case or situation without undue influence or prejudice.

Accessibility

Art. 13, 32, 33, 34, 37, 40 and 61 of the United Nations Convention against Corruption (UNCAC), Art. 20 and 21 of the Council of Europe Criminal Law Convention

ACA must provide the public with the means for heading off corruption, taking anti-corruption measures and reporting on corruption-related cases. ACA should be available to the general public, including by offering channels of anonymous communication, especially but not limited to,

on Corruption (CETS 173), Guiding Principle 16 of the Council of Europe Resolution (97) 24 on the Twenty Guiding Principles for the Fight Against Corruption.

taking reports alleging corruption. The ACA should be able to independently engage with all relevant stakeholders, e.g. victims, complainants, witnesses, collaborators of justice, the media, civil society and academia, at its own discretion and without consultation or approval.. The ACA must have access to all necessary information, subject only to limitations or restrictions which are necessary in a democratic society, in order to conduct investigations into corrupt activities, identify and trace proceeds of corruption, research, understand and disseminate knowledge about and prevent corruption.

Transparency and confidentiality

Art. 13, 32 and 33 of the United Nations Convention against Corruption (UNCAC), Art. 9 and 22 of the Council of Europe Criminal Law Convention on Corruption (CETS 173), Guiding Principle 9, 14 and 16 of the Council of Europe Resolution (97) 24 on the Twenty Guiding Principles for the Fight Against Corruption., EPAC Declarations 2004-2011.

The ACA should operate transparently in order to ensure public confidence in its independence, fairness and effectiveness. Transparency should only be subject to limitations or restrictions which are necessary in a democratic society. There is a balance to be achieved between the need for transparency of the ACA and the need to ensure confidentiality of sources, tactics and methodology in order to effectively discharge its duties, especially in conducting investigations, as well as to protect the legitimate rights of others. In order to maintain confidence and ensure operational security, mechanisms must be available to protect those reporting or alleging corruption or otherwise assisting the ACA in conducting its activity.

Resources

Art. 6, 7 and 36 of the United Nations Convention against Corruption (UNCAC), Art. 20 of the Council of Europe Criminal Law Convention on Corruption (CETS 173), Guiding Principle 3 and 7 of the Council of Europe Resolution (97) 24 on the Twenty Guiding Principles for the Fight Against Corruption, EPAC Declarations 2004-2011.

In order to function properly and to fulfil its mandate effectively and efficiently, the ACA must have adequate financial and material resources. These should allow the employment of a sufficient number of qualified staff, appropriate systems of remuneration and incentives, and ensure proper working conditions. The timely, planned and reliable provision of a sufficient budget for the necessary operational expenditure and technical facilities is vital for the success of the ACA. ACA also should have a sufficient number of qualified staff and competitive systems of wages and additional payment to avoid the brain drain.

Recruitment, career and training

Art. 6, 7, 8 and 36 of the United Nations Convention against Corruption (UNCAC), Art. 20 of the Council of Europe Criminal Law Convention on Corruption (CETS 173), Guiding Principle 7 of the Council of Europe Resolution (97) 24 on the Twenty Guiding Principles for the Fight Against Corruption, The EU Justice and Home Affairs Council, JAI 473 (M.A.D.R.I.D. Report), from 26 May 2010.

It is imperative for the ACA to attract highly qualified individuals exhibiting the necessary skills, experience and behaviour. Staff require high levels of personal integrity and resilience as well as the ability to maintain trust and confidence. The recruitment of personnel must be based upon the principles of efficiency, transparency and fairness and upon known and objective criteria such as merit, equity and aptitude. Credible specialist training incorporating strategic and academic analysis as well as practical skills and experience is crucial to provide and maintain the necessary level of qualification. Working within an ACA should not have a detrimental impact on wider career management. Therefore, mechanisms should be provided with regard to reasonable terms of office, protection against undue dismissal and undue displacement as well as subsequent career development.

HUMAN RESOURCES

STT staff and positions

The overall aim of the STT likewise of any other law enforcement agency is to ensure legitimacy and assist the court to administer justice. To achieve this goal, exceptional resources are required, human resources considered as being the main ones. The institution's ability to justify its status in a society completely or partly depends on its human resources. Therefore, the STT officials are subject to exceptional requirements related with education, qualifications, reputation, personal and professional characteristics, physical preparedness and health status. Restrictions placed on the STT officials are related with their engagement in political and trade union activities, organisation management, work as employees, advisers, experts, etc.

On 31 December 2012, the STT staff was formed of 235 officials, of whom 146 conducted the functions of criminal prosecution, 23 – function of corruption prevention, 5 – functions of anti-corruption education and awareness raising, 61 – functions of administration (208 statutory public servants and 27 workers employed on a labour contract).

The classification of employees is based on the functions rather than on the affiliation of positions to the STT structural units. Therefore, employees performing administration functions include the STT director, staff of the Administration Department, Legal Division, Personnel Division, IT Division, General Division, International Cooperation Division, Procurement Subdivision, Planning Division, Security Division, Accountancy Division, Internal Audit Division and several officials from territorial departments. General activities done by these officials are related with the management of documents, personnel, and material and financial resources and special activities carried out by some of them are related with the performance of direct institutional functions (criminal prosecution, corruption prevention and anti-corruption education).

Fig. 2 Change in the number of STT staff

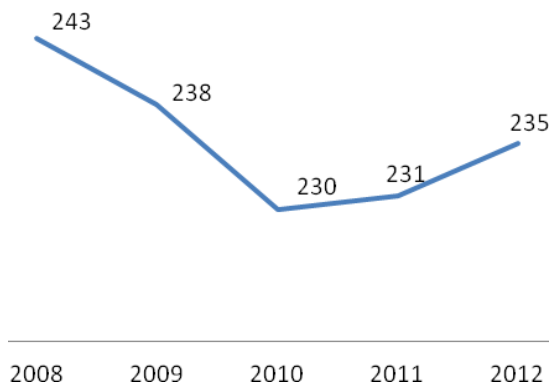


Fig. 3 Change in the number of dismissed and recruited staff



In 2012, a turnover of the STT staff accounted for 9%. During the reporting period, 21 employee was dismissed from job in the STT (17 statutory public servants and 4 workers employed on a labour contract) of whom 13, 3 and 5 performed the function of criminal prosecution, corruption prevention and other functions respectively.

STT recruited 25 employees over the reporting period (21 statutory public servants and 4 workers employed on a labour contract), of whom 21, 1 and 3 perform the function of criminal prosecution, corruption prevention and other functions respectively.

Higher rate of the turnover (the planned turnover amounted to 7%) could have been caused by a few reasons, the most significant being the reduction of coefficients of the basic salary and additional pays for the qualification category within the past four years. Unlike in some other institutions, wages of officials were reduced not once but twice.

Table 1. **Changes in categories of the position and coefficients of basic salary of public servants of the Republic of Lithuania** (basic amounts)

Categories of the position	Till 1 May 2009	Till 1 August 2009	From 1 August 2009
11	5,2	5,2	5,17
12	5,7	5,7	5,64
13	6,3	6,3	6,2
14	7,0	7,0	6,86
15	7,8	7,6	7,41
16	8,7	8,4	8,1
17	9,7	9,1	8,69
18	10,8	9,9	9,35
19	11,9	10,7	10,0
20	13,0	11,4	10,54

The Law on Changing Article 30 of the Law on the Statute of the STT provided for a decrease in additional pays for qualification category from 1 August 2009 till 31 December 2013, whereas additional pays for qualification category of some other statutory public servants (e.g. officials of the internal service system) and additional pays for qualification ranks of prosecutors have not been reduced.

Table 2. **Changes in additional payments for qualification category of the STT officials** (basic salaries per cent)

Qualification category	Till 1 August 2009	From 1 August 2009	Difference
3	15	10	5
2	30	20	10
1	45	30	15

Since wages of the staff working in some state institutions were not reduced or reduced on a different footing and the situation of economic crisis permitted to pay wages to them based on the amount of the pre-crisis wages, it may be assumed that indirect discrimination and failure to adhere to the principle of proportionality, equality and justice lead to an unequal status of the STT staff compared to some other public officials.

The Constitutional Court stated in its decisions that public servants' wages may be subject to temporary reduction given especially complex economic and financial situation in the state with the application of the principle of proportionality. The constitutional principle of proportionality is inherent to other constitutional norms and principles, *inter alia*, principle of equality and principle of justice. The constitutional principle of proportionality, *inter alia*, implies that given an especially complex economic and financial situation and ensuing necessity to subject public servants' wages to temporary reduction in order to ensure vital public and national interests and protect other constitutional values, legislators must establish an even and non-discriminatory scale of cuts in public servants wages for decreasing wages of all the public servant categories (likewise other staff financed from the public and municipal funds) to avoid violation of the proportions of wage amounts established in the period prior to the complex economic and financial situation for different public servant categories. The principle of social solidarity enshrined in the Constitution presupposes that a burden of certain obligations must be also distributed, to a certain extent, among public members, though this distribution must be constitutionally grounded and proportionate. Both the legislative process and application of laws must be subject to the constitutional principle of equality. This principle would be violated, if two certain groups of individuals subject to the same norm would be treated in a different manner, even though these groups do not differ to such an extent that the unequal treating could be justified.

Limited career prospects represent another significant reason for the increase of the staff turnover. The problem STT encounters as a small organisation is twofold: on the one hand, it fails to attract very talented people because they choose bigger organisations or organisations offering higher salaries, on the other hand, it fails to retain the staff having the highest qualifications and extensive experience because it is unable to meet their expectations in terms of position, career and competitive salary. Furthermore, a significant number of promising officials treat the service in the STT as a preparation for career in the private sector or any other larger public institution, where professional experience in the STT is considered as an advantage.

Fig. 4. **Change in the number of the positions financed by STT**

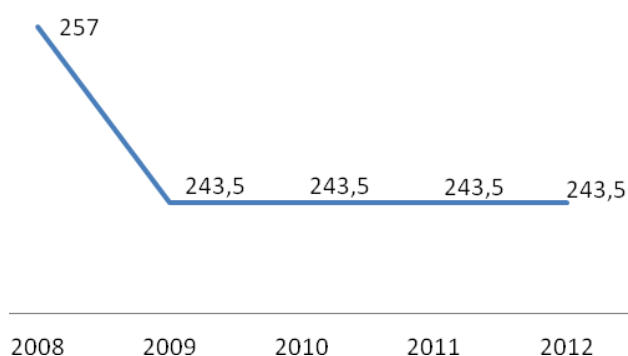
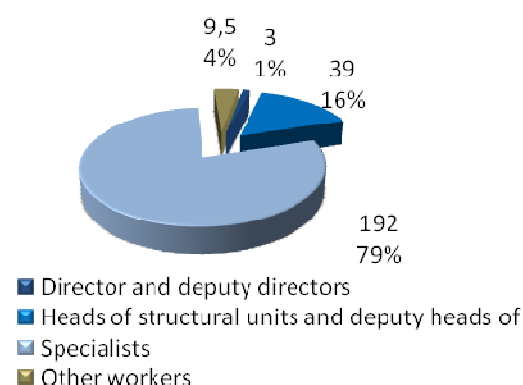


Fig. 5. **Distribution of positions financed by STT in 2012 by the position group¹**



On 31 December 2012, the STT had 16 unfilled vacancies, of which 11 vacancies for criminal prosecution staff, 3 for corruption prevention staff and 2 for other staff.

Since 1 January 2012, new legislative amendments have offered more opportunities for the STT staff to occupy managerial positions, i.e. they provided for the rotation of the STT director, deputy directors and heads of other structural units. In 2012, 6 persons were appointed to the position of head and deputy head of structural units for the term of five years and 4 persons were repeatedly appointed to the same position for the term of five years.

Rotation of the STT officials contributes to the reinforcement of management through orienting the activities towards results and transparency, though it poses quite a few material and other problems (e.g., staff housing, employment of family members) that may not be solved by the STT, owing to legal regulation and insufficient financial resources.

Unlike other statutory public servants, STT officials are not reimbursed for commuting; neither are they provided with money allowance for food

Since the system of social guarantees requires additional financial resources and further improvements, the STT officials refuse being transferred to other territorial units and prefer other state institutions to the service in the STT.

Investments in human resources are related with social guarantees and conditions for acquiring knowledge and competencies needed to ensure efficient operation of the institution.

In 2012, the expenses for human resources amounted to LTL 15,314,600, i.e. LTL 374,900 more than in 2011 and accounted for 86% of all the executed appropriations.

Table 3. **2012 STT expenses for human resources** (Litas)

Expenses by economic classification chapters	Amount of the expenditure	Comments
Wages	10854,100	Of which: 95% for statutory public servants, 5% – workers employed on a labour contract.
Social security contributions	3152,0	
Duty journeys	13,700	19 officials represented the STT in 21 international events.
Further training	1,800	5 further training courses
State pensions	668,000	For 54 former employees
Other social support provided by the employers	625,000	Of which: 2% for reimbursement for residential accommodation renting, 26% for severance payments, 29% for sickness benefits and maternity benefits, 43% for child care benefits.
Total	15314,600	

Due to the budget cuts the STT executed LTL 13.700 for duty journeys in 2012, i.e. LTL 29.400 less than in 2011; therefore, the STT officials most often went on duty journeys, where their representation was necessary for discharging international obligations.

Owing to the budget reductions, the STT allocated LTL 1.800 for further training in 2012, i.e. LTL 6.1000 less as compared to 2011, even though investments in knowledge yield a significant gain in institutional efficiency, increase staff's motivation and loyalty, reduce staff turnover and ensure a more effective adjustment to new challenges and conditions. Expenditure for further training amounted to as little as 0,01% of allocations for the remuneration of public servants. Inability to allocate sufficient funds for further training prevented the STT from the implementation of the Law on Public Service stipulating that funding provisions for training of public servants shall make up from 1 to 5 per cent of the amount of the allocations for the remuneration of public servants.

In 2012, 118 STT officials attended 21 further training session, of which 11 covered the topics of criminal prosecution, 1 targeted the issues of corruption prevention, 1 was focused on anti-corruption education and 8 were devoted to resource management. The majority of further training events (76%) were free and arranged through the STT effort or in cooperation with foreign partners.

In view of the call of the Government and Parliamentary Committee on Audit for a prudent use of public funds and refraining from paying bonuses during the economic crisis, the STT has stopped paying bonuses since 2009 even for special contributions to the fight against corruption. Though monetary bonuses might not be a key motivating factor, their absence led to demotivation. In order to uphold a professional and effective institutional operation and reduce brain drain to the private sector, one needs to realise that staff motivation is the today's necessity rather than luxury. With this in mind, the institution should be provided with at least minimum conditions for the use of incentives.

In conclusion, the above-mentioned reasons made the STT uncompetitive and unable to attract and retain qualified and experienced personnel with proper personal and professional qualities. Instead of very professional officials who have left the service the STT has been recently able to recruit only young graduates.

Investments in material and immaterial resources are related with the creation of functional workplaces and conditions for the STT staff as well as provision of the staff with the necessary means for the performance and improvement of their functions.

In 2012, the expenditure for material and immaterial resources totalled LTL 2,559,400, i.e. LTL 989,3 less as compared to 2011, and amounted to 14% of all the STT expenditure.

Table 4. **2012 STT expenditure for material and immaterial resources** (Litas)

Expenses by economic classification chapters	Amount of the expenditure	Comments
Goods and services	1331,700	Except for expenditure for further training and duty journeys
Tangible assets	948,300	of which LTL 689,300 for the implementation of the capital investment project
Intangible assets	279,400	of which LTL 196,700 for the implementation of the capital investment project.
Total	2559,400	

In 2012, the STT executed the appropriations for fixed tangible and intangible assets (LTL 341,700) material and immaterial to acquire:

- 2 new vehicles for the use by criminal intelligence and criminal prosecution staff;
- 26 units of computer equipment for the innovation of workstations and equipping new specialised workstations;
- 5 forensic disk controllers used for a file review in the process of criminal prosecution for corruption-related criminal acts;
- 7 software licences (anti-virus, smartphone inspection, filtering incoming digital information, digital forensics);
- 4 laser multi-functional devices.

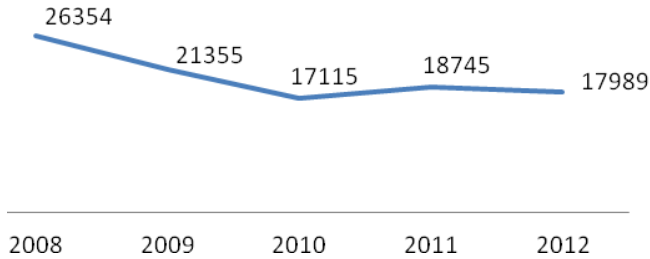
To implement the capital investment project "Acquisition of Fixed Assets" aimed at the provision of criminal intelligence and criminal prosecution staff with the necessary means for the detection and investigation of corruption-related criminal acts, the STT executed LTL 886,000 to acquire:

- 66 units of special technical equipment;
- 19 units of special software;
- 5 units of deciphering equipment.

A special character of the STT activities requires the application of innovative technologies. Cutting-edge technology contributes to solving institutional goals, with a special focus on criminal intelligence and criminal prosecution. The Service must be enabled to produce a rapid response to the crime rate changes and retain its position in controlling corruption; otherwise it will not be more advantageous compared to offenders who constantly improve the mechanisms of criminal behaviour. Ability of the offenders to disguise the trails of criminal activity by means of the up-to-date technologies may not only aggravate the disclosure of criminal acts but also create an impunity image of perpetrators. To avoid that, the STT endeavours to provide its staff with the tools that would help collect all the relevant data within the shortest possible period, ensure security of the obtained information and would not give any reason for challenging integrity of the data and evidence.

Owing to limited financial capacities of the state, the STT embarked on the search for the sources of external aid and signed the Grant Agreement for an action "Procurement of Special Equipment" with the European Anti-Fraud Office (OLAF) on 17 September 2012 under the EU's HERCULE II programme "Technical support for national authorities' use of special investigative tools and methods in the fight against fraud and corruption and technical support to strengthen inspections of containers and trucks at the EU's external borders, including the fight against cigarette smuggling and counterfeiting". The total cost of the action is estimated at EUR 445,432.05 (LTL 1 537 988), excluding VAT payable by the Beneficiary. OLAF contributed a maximum of EUR 220,605.00 (LTL 762,000), equivalent to 49.53% of the estimated total eligible costs. STT contribution totals EUR 224,827.05 (LTL 777,000). The implementation period of the action – the year 2013.

Fig. 6. Changes in the appropriations authorised for the STT



In our view, given the existing economic and financial situation in the state and other areas of high national importance, the 2012 funding for the anticorruption efforts and the STT was inadequate for ensuring the state institutions', including the STT's, capacities and competencies to fight against corruption.

Fig. 7. Changes in the appropriations intended to cover the performance of the STT direct function (economic classification "Goods and services") (Litas)

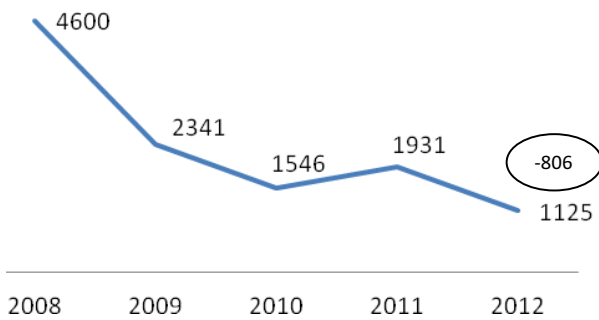
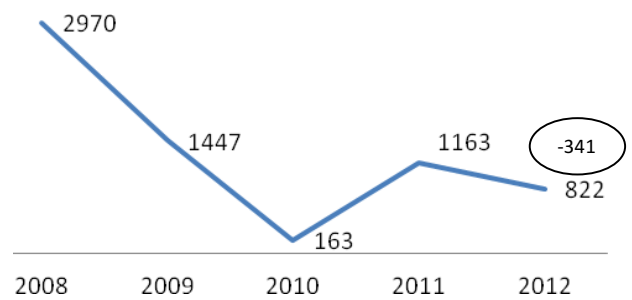


Fig. 8. Changes in the appropriations intended to cover the acquisition of assets (Litas)



The above-specified figures reveal that the amount of appropriations intended to cover the performance of direct functions and acquisition of assets has been in constant decline because the STT is forced to allocate a major part of the funds for discharging the obligations ensuing from the employment relationship. The Service was successful in fulfilling its functions during the report period thanks to its stringent savings policy and unfilled vacancies.

In the longer term, the inadequacy between the imposed requirements and the earmarked resources may result in unaccomplished objectives, unsatisfied expectations, decreasing performance and declining confidence not only in the Service but also in the state anti-corruption policy.

CRIMINAL PROSECUTION

Objective is to quickly, comprehensively and lawfully detect corruption-related criminal acts.

STT investigates criminal acts related with corruption. The aim is to reduce to the utmost the timespan from the commission of the corruption-related criminal act to the detection and imposition of a sanction for it because the objectives of the sanction are achieved in the best way possible where it is imposed soon after the commission of the criminal act. The shorter the process, the larger probability that the right decision is made. Another aim is to impose the sanction in the course of criminal procedure upon the obvious disclosure of the offender and identifying all the circumstances relevant to the imposition of the sanction. Furthermore, the investigation should be conducted in such a way that never a one innocent person would be subject to criminal liability or procedural measures of compulsion.

Instigation of pre-trial investigations

Instigation of a pre-trial investigation is the first stage of criminal prosecution, where a prosecutor, head of a pre-trial institution or a person authorised by him, having received a complaint, notice or report on criminal acts, or a prosecutor or a head of a pre-trial institution authorised to instigate a pre-trial investigation, having established that there are sufficient grounds for an investigation, take an appropriate decision on that.

The aim of the opening stage of investigation is to establish the legal grounds for the initiation of pre-trial investigation, implementation of all the investigative measures and application of procedural coercive measures, where proceedings require.

In the course of the opening of investigation the following procedural decisions are made: a decision to initiate a pre-trial investigation or a decision to refuse to initiate a pre-trial investigation.

Opened pre-trial investigations

Fig. 9. Change in the number of opened pre-trial investigations

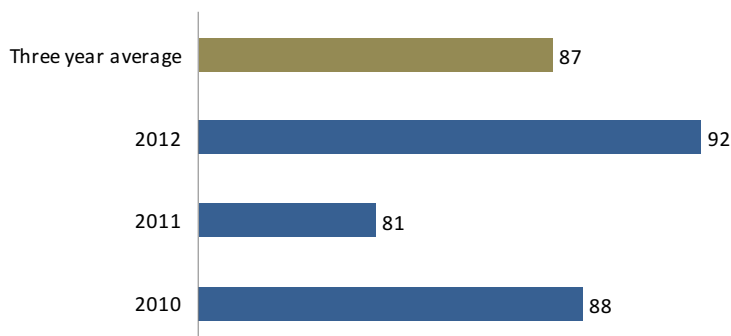
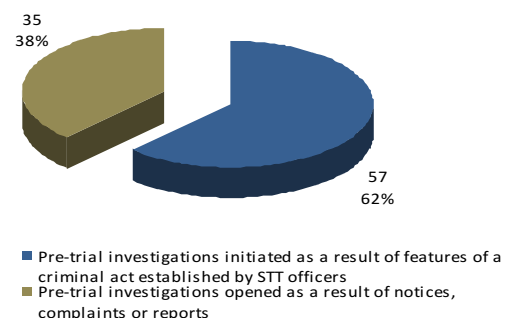


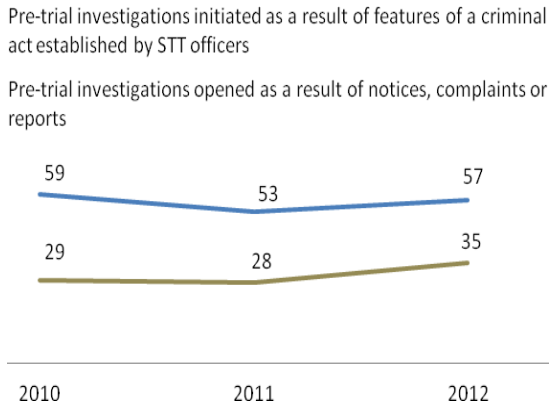
Fig. 10. Pre-trial investigations opened by the source of information



In 2012, the STT initiated 92 pre-trial investigations, i.e. 14% more as compared to 2011.

It should be noted that the STT was submitted 5 pre-trial investigations by prosecutor offices opened as a result of information collected by the STT. Including the mentioned pre-trial investigations, the STT initiated 97 pre-trial investigations.

Fig. 11. Change in the number of opened pre-trial investigations by the source of information



The ratio between the number of pre-trial investigations opened as a result of notices, complaints or reports and the number of pre-trial investigations initiated as a result of features of a criminal act established by the STT officers:

In 2010, 33% pre-trial investigations opened as a result of the filed notice, complaint or report, 67% pre-trial investigations opened as a result of features of a criminal act established by the STT officers;

In 2011, 35% pre-trial investigations opened as a result of the filed notice, complaint or report, 65% pre-trial investigations opened as a result of features of a criminal act established by the STT officers;

In 2012, 38% pre-trial investigations opened as a result of the filed notice, complaint or report, 62% pre-trial investigations opened as a result of features of a criminal act established by the STT officers;

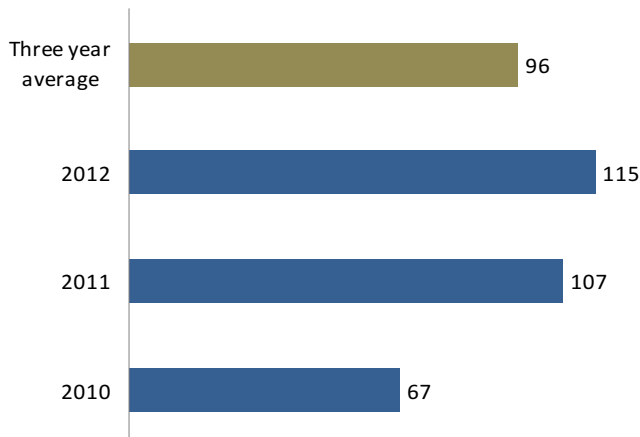
Pre-trial investigations opened by the STT in line with the following criminal prosecution priorities approved for 2012:

- 25 pre-trial investigations associated with public procurement financed with the national and municipal funds and the European Union funds;
- 11 pre-trial investigations related with the activities of judicial authorities;
- 5 pre-trial investigations associated with administrative supervision and control.

Refusal to open pre-trial investigations

Having received a notice, complaint or report, a prosecutor or a pre-trial officer, may refuse to open a pre-trial investigation only in the event that the specified information on the criminal act is manifestly misstated or there are apparent circumstances stipulated in Art. 3 Part 1 of the Criminal Code of the Republic of Lithuania which do not allow the criminal proceedings.

Fig. 12. Change in the number of refusals to open a pre-trial investigation



In 2012, the STT, having received a notice, complaint or report, drew up 115 decisions on refusing to initiate pre-trial investigations.

Compared to 2011 and 2010, the number of such decisions made in 2012 increased by 7% and 72% respectively.

Increase in the number of decisions on refusing to open a pre-trial investigation was determined by the altered legal regulation and a higher number of the received notices, complaints and reports:

1. The provisions of Paragraph 1 Art. 168 of the new version of the Code of Criminal Procedure of the Republic of Lithuania that entered into force on 1 October 2010 allow to conduct a survey of the scene and examine witnesses; to request data and documents from state and municipal enterprises, institutions or organisations or whistle-blowers or persons in whose interest the notice, complaint or report has been filed and to examine whistle-blowers in order to specify the data indicated in the filed complaint, notice or report (specifying actions). This provision provides wider possibilities to check prior to launching a pre-trial investigation whether the data on the criminal act indicated in the complaint, notice or report are correct and whether they include circumstances established in Paragraph 1 Art. 3 of the Code of Criminal Procedure of the Republic of Lithuania.

2. The number of filed notices, complaints and reports was 46% higher in 2012 which determined a higher number of cases of refusing to initiate pre-trial investigations.

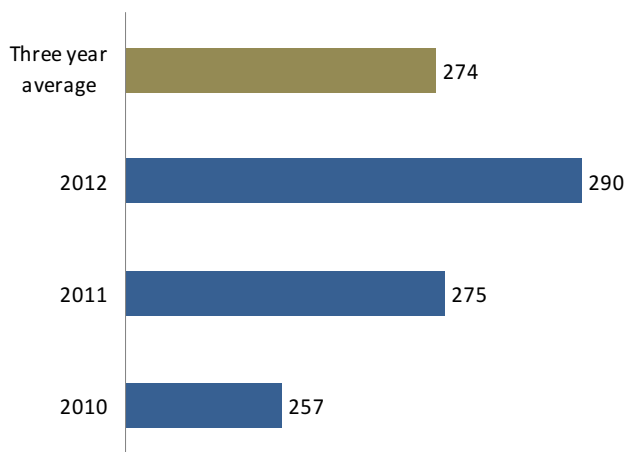
Conducting of pre-trial investigations

Pre-trial investigation is the second stage of criminal proceedings including the introduction of versions of committing a crime, implementation of pre-trial investigation and procedural coercion measures, collection of data for evidence in judicial proceedings, identification of persons who allegedly committed criminal acts, creation of relevant conditions for considering a case in court, etc.

The aim of pre-trial investigation is to ensure a fast, comprehensive and optimal investigation of criminal acts, security of victims and finding and transferring offenders to court.

Conducted pre-trial investigations

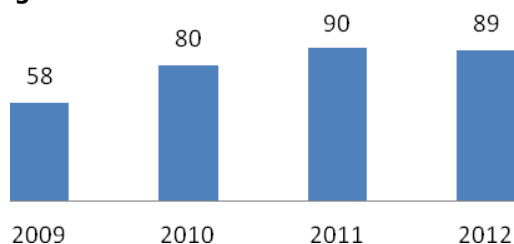
Fig. 13. Change in the number of conducted pre-trial investigations



In 2012, STT carried out 290 pre-trial investigations, of which:
 147 were not completed over the previous years;
 92 new pre-trial investigation instituted by the STT;
 41 pre-trial investigation submitted to the STT by prosecutor offices;
 7 reopened pre-trial investigations that were discontinued before;
 3 pre-trial investigations returned by court for further information;
 19 pre-trial investigations submitted to other pre-trial institutions;
 40 pre-trial investigations were joined to 10;
 124 completed pre-trial investigations.

In the recent years, the STT has devoted increasing efforts to the most complex corruption-related criminal acts that cause the most considerable damage to the state. The ratio between one pre-trial investigation and the number of disclosed criminal acts and identified persons shows the increasing growth of these figures.

Fig. 14. **Change in the number of complex pre-trial investigations**



In 2012, the STT carried out 89 complex pre-trial investigations which accounts for 31% of all the conducted pre-trial investigations (33% in 2011, 31% in 2010).

In cases necessitating a longer co-operation of pre-trial investigation institutions a prosecutor is entitled to set up an investigative group comprising several officers from different pre-trial investigation institutions.

In 2012, the STT carried out 9 pre-trial investigations in co-operation with other pre-trial investigation institutions.

In accordance with Art. 171 Part 2 of the Code of Criminal Procedure, a prosecutor, having received a notice from an officer of a pre-trial investigation institution, shall decide on what institution must pursue the pre-trial investigation. The prosecutor may take the following decisions:

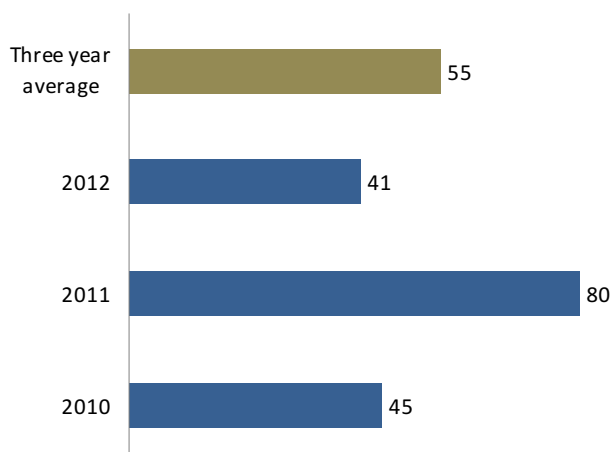
1. Prosecutor shall conduct the pre-trial investigation in all its entirety or individual actions thereof.

2. Prosecutor shall entrust a pre-trial investigation institution that notifies the prosecutor on the opened pre-trial investigation to conduct the pre-trial investigation.

3. Prosecutor shall entrust any other pre-trial investigation institution to conduct the pre-trial investigation.

Received pre-trial investigations

Fig. 15. **Change in the number of received pre-trial investigations**



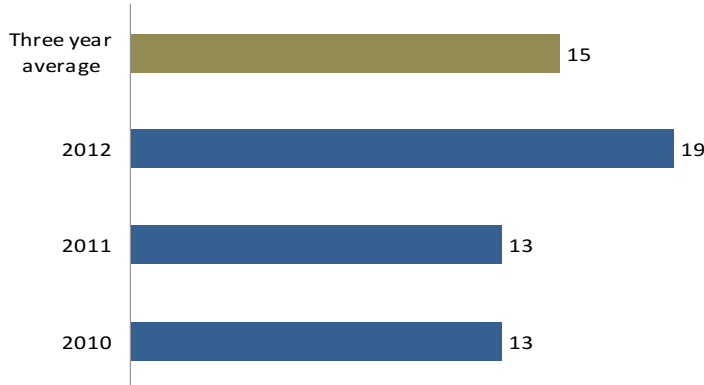
In 2012, 41 pre-trial investigation was submitted by prosecutor offices.

Compared to 2011, in 2012 the number of pre-trial investigations submitted by prosecutor offices shrunk by 49%. The number started to decrease due to the agreement with the Prosecutor General's Office that pre-trial investigations necessitating the performance of specifying actions regarding the data provided in a notice, complaint or report shall be conducted by prosecutors from local prosecutor offices or investigators from pre-trial investigation institutions.

Out of 41 pre-trial investigation, 5 of them were opened as a result of the information collected by the STT.

Pre-trial investigations submitted to other pre-trial investigation institutions

Fig. 16. Change in the number of pre-trial investigations submitted to other pre-trial investigation institutions



In 2012, the STT submitted 19 pre-trial investigations to other pre-trial investigation institutions.

Compared to 2011, in 2012 the number of pre-trial investigations submitted to other pre-trial investigation institutions increased by 46%.

In cases, where several persons are suspected of abetting in one or several criminal acts or a single person is suspected of committing one or several criminal acts owing to other different reasons or motives, a prosecutor is entitled to join pre-trial investigations, having evaluated a procedural and economic advantage and other circumstances relevant to the investigation.

In 2012, the STT joined 40 pre-trial investigations into 10 investigations.

Detected criminal acts

Fig. 17. Change in the number of detected criminal acts



Compared to 2011, in 2012 the number of criminal acts rose by 4%.

In 2012, 327 criminal acts against public service and public interests (67%) and 163 other criminal acts (33%) were detected.

In 2011, 266 criminal acts against public service and public interests (56%) and 207 other criminal acts (44%) were detected.

Fig. 18. Number of criminal acts detected by the STT in 2012 by articles of the Criminal Code

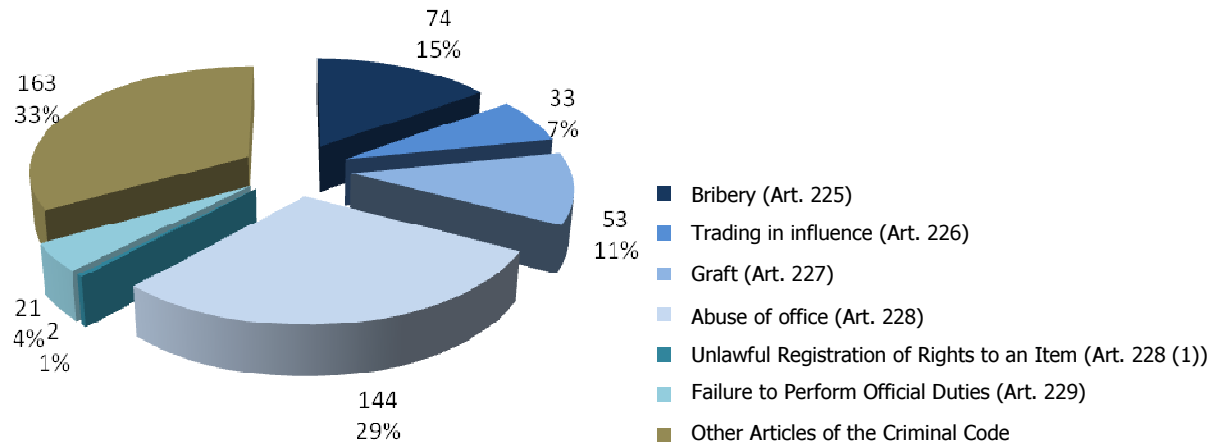
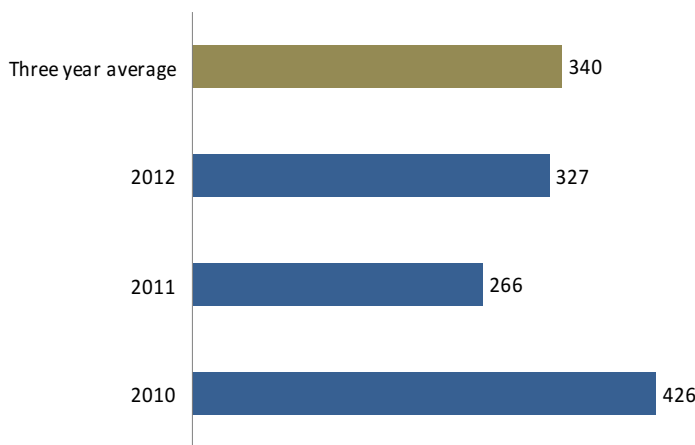


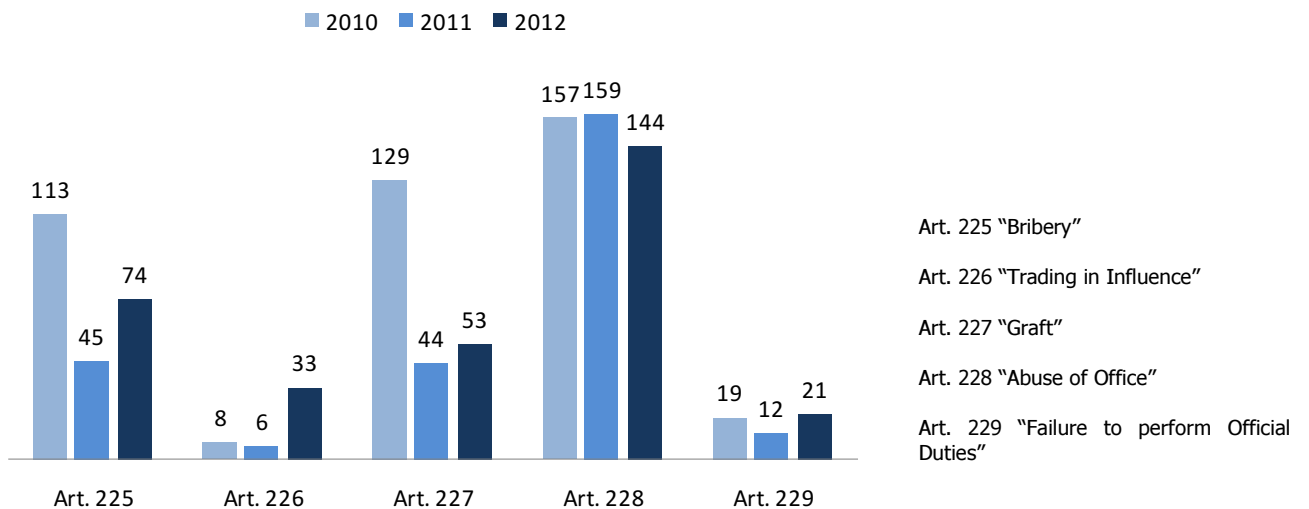
Fig. 19. Change in the number of criminal acts against public service and public interests



Compared to 2011, in 2012 the number of criminal acts against public service and public interests increased by 61 (23%) and the number of other criminal acts decreased by 44 (21%).

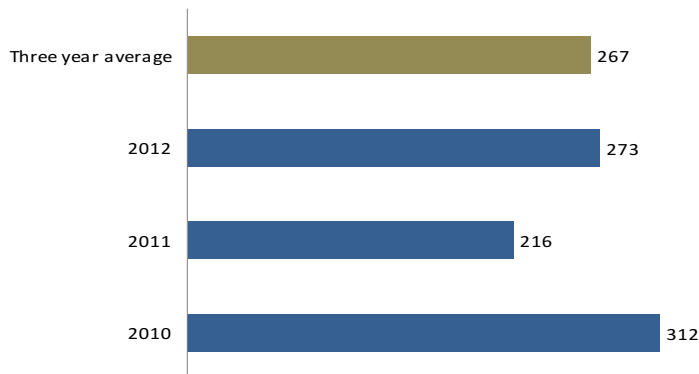
Compared to 2011, in 2012 the number of: bribery cases rose by 29 or 65% (Art. 225 of the Criminal Code); trading in influence cases increased by 27 or 450% (Art. 226 of the Criminal Code); cases of graft increased by 9 or 21% (Art. 227 of the Criminal Code); cases of abuse of office decreased by 15 or 9% (Art. 228 of the Criminal Code); cases of failure to perform official duties rose by 9 or 75% (Art. 229 of the Criminal Code).

Fig. 20. Change in the number of detected criminal acts against public service and public interests



Suspects

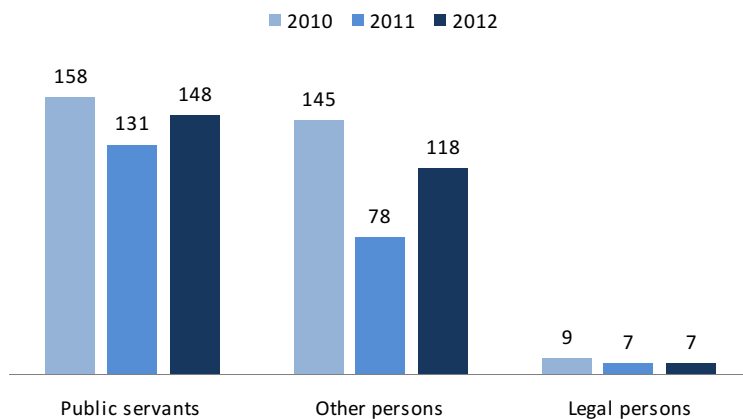
Fig. 21. Change in the number of persons suspected of the commission of a criminal act



In 2012, 273 persons were suspected of the commission of a criminal act including:
148 civil servants;
118 other persons;
7 legal persons.

Compared to 2011, in 2012 the number of suspected persons rose by 57 or 26%.

Fig. 22. Change in the number of persons suspected of the commission of a criminal act



Compared to 2011, in 2012 the number of both civil servants (17 or 13%) and other persons (40 or 51%) suspected of the commission of criminal acts was on the increase. The number of legal persons suspected of the commission of criminal acts remained unchanged.

In 2012, the STT, having conducted pre-trial investigations and:

- having established features of malfeasance, suggested to competitive institutions that they should subject 7 to disciplinary liability;
- having established features of administrative offences, suggested to competitive institutions that they should subject 5 persons to administrative liabilities.

In the process of pre-trial investigations conducted in 2012, the STT initiated inspection procedures conducted by the State Tax Inspectorate for the assessment and tax inspection of legitimacy of the acquisition of declared assets and income by 125 suspected public servants and officers (30 in 2011).

Completion of pre-trial investigations

Completion of pre-trial investigation is the final stage of pre-trial investigation and the third stage of criminal prosecution, where a prosecutor takes an appropriate decision once he/she has verified that sufficient data is collected during the pre-trial investigation to substantiate the guilt of the suspect or once he/she has established circumstances that do not give grounds for criminal proceedings.

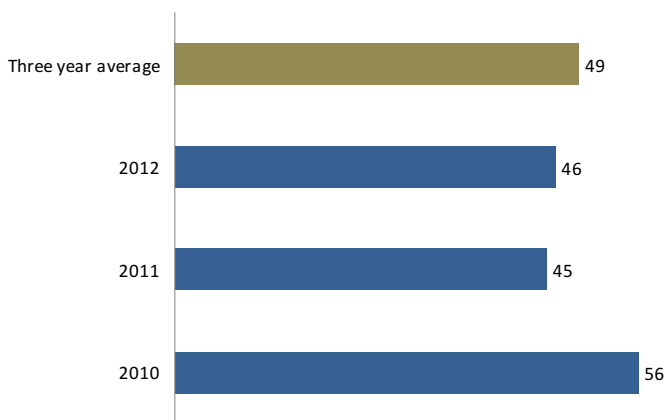
At the completion stage, the following procedural decisions are made: a decision to complete the pre-trial investigation and submit the case to court or a decision to discontinue the pre-trial investigation.

Methods of completing the pre-trial investigation: drawing up of an indictment, issuing a statement regarding the consideration of the case in accordance with accelerated procedure, drawing up a statement regarding the completion of proceedings by a penal order of court.

In 2012, the STT completed 124 pre-trial investigations of which 46 (37%) were completed by drawing up indictments and statements regarding the completion of proceedings by a penal order of court and 78 (63%) were discontinued (in 2011 107 pre-trial investigations were completed, of which 45 (42%) were completed by drawing up indictments, statements regarding the completion of proceedings by a penal order of court and statements regarding the consideration of the case in accordance with accelerated procedure and 62 (58%) pre-trial investigations were discontinued).

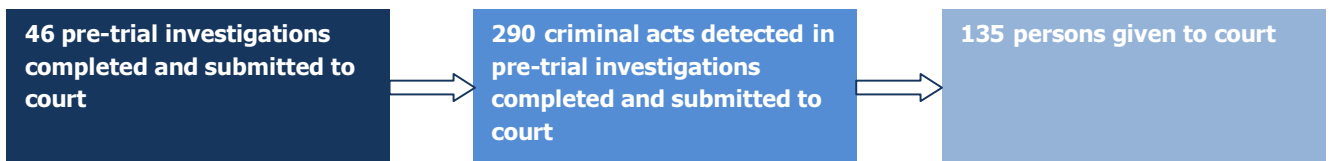
Per-trial investigations completed and submitted to court

Fig. 23. **Change in the number of per-trial investigations completed and submitted to court**



In 2012, the STT completed and submitted to court 46 pre-trial investigations by drawing up indictments and statements regarding the completion of proceedings by a penal order of court, of which: 34 (74%) were completed and submitted to court by issuing an indictment and 12 (26%) pre-trial investigations were completed and submitted to court by drawing up a statement regarding the completion of proceedings by a penal order of court.

Fig. 24. **Number of pre-trial investigations completed and submitted to court by the STT in 2012 and the number of the detected criminal acts and the accused persons**



Since 1 October 2010, amendments to the Code of Criminal Procedure (Art. 176) have come into effect providing that the duration of pre-trial investigation, given the type and seriousness of the investigation, shall be as brief as possible but no longer than:

- 3 months in the case of misdemeanour;
- 6 months in the case of minor crime, less serious crime and crime through negligence;
- 9 months in the case of serious crime and grave crime.

The above-said terms may be extended by a prosecutor owing to complexity of the case, bulkiness of the case or any other important factors.

Fig. 25. Change in the duration of pre-trial investigations completed and submitted to court by the STT

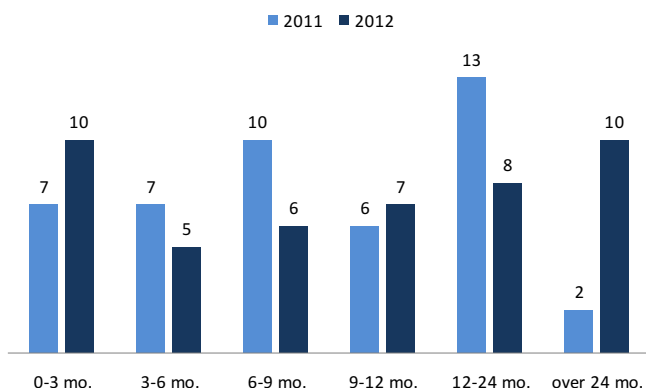


Fig. 26. Duration of pre-trial investigations completed and submitted to court by the STT in 2012

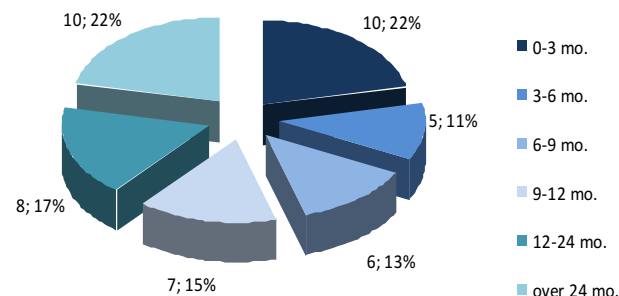
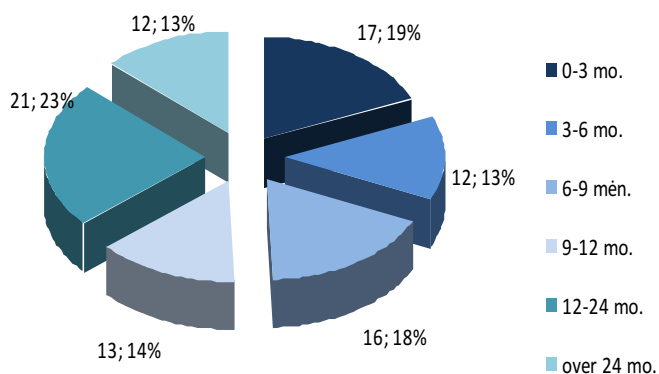


Fig. 27. Duration of pre-trial investigations completed and submitted to court by the STT within the term of two years (2011–2012)



In 2012, the number of pre-trial investigations exceeding 9 months accounted for 54%.

Average duration of pre-trial investigations within the category of 12–24 month pre-trial investigations totals 14 months.

Average duration of pre-trial investigations within the category of pre-trial investigations of 24 months and over constitutes 31 month.

The generalised data for two years on the duration of pre-trial investigations prove that approximately 68% of pre-trial investigations completed and submitted to court by the STT could be made of investigations into serious and grave crimes.

The analysis of causes and reasons behind the duration of pre-trial investigations showed that the following pre-trial investigations had the longest duration:

- pre-trial investigations, where a special investigation had to be carried out to detect the circumstances of the criminal act requiring scientific, technical or other special knowledge – forensic examinations were ordered and experts’ conclusions were anticipated (45% of the cases);

- pre-trial investigations including a greater number of criminal acts and suspected persons – complex investigations;

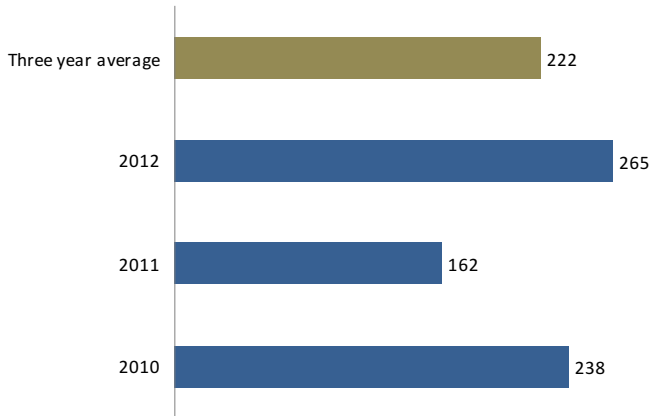
- pre-trial investigations, where suspected persons have fled – a search for persons was launched;

- pre-trial investigations, where suspected persons have gone abroad to reside or work;

- pre-trial investigations, where causing a major damage, especially immaterial, had to be proved;

- pre-trial investigations with a misbalance of the use of procedural rights.

Fig. 28. **Change in the number of pre-trial investigations completed and submitted to court by the STT**



In 2012, the STT completed and submitted to court 265 pre-trial investigations wherein the number of detected criminal acts increased by 103 (64%) in comparison with 2011. 157 (59%) criminal acts against public service and public interests and 108 (41%) other criminal acts were detected in pre-trial investigations completed and submitted to court in 2012.

Fig. 29. **The number of criminal acts detected by the STT in 2012 in pre-trial investigations completed and submitted to court**

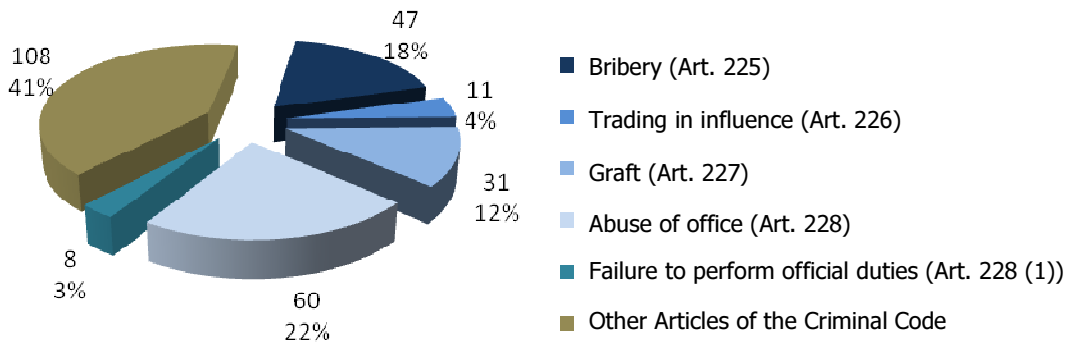
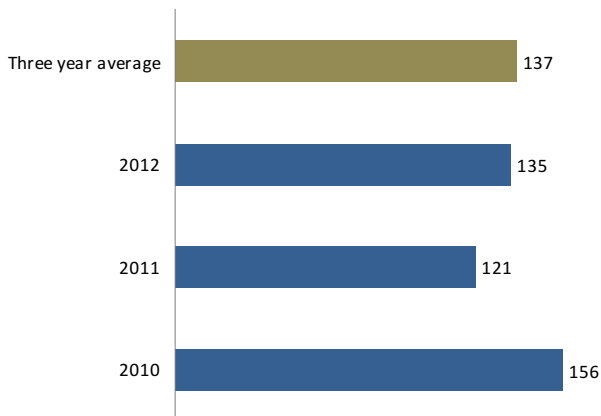
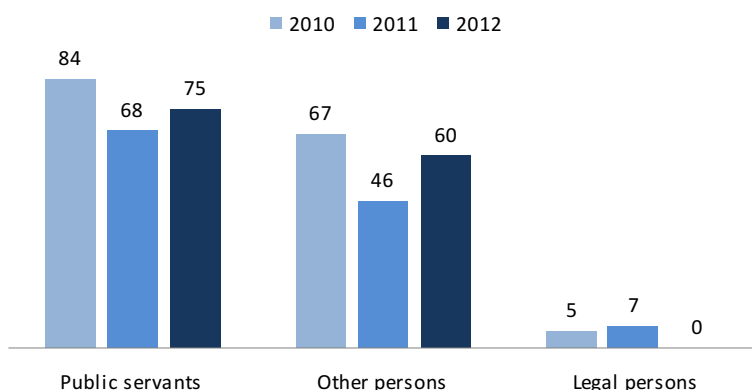


Fig. 30. **Change in the number of persons charged with the commission of criminal acts**



In 2012, 135 persons were indicted for the commission of criminal acts, of whom: 75 (56%) were public servants; 60 (44%) were other persons. Compared to 2011, in 2012 the general number of charged persons increased by 14 or 12%.

Fig. 31. **Change in the number of persons charged with the commission of criminal acts**

Compared to 2011, in 2012 more charges were brought against both public servants (7 or 10%) and other persons (14 or 30%). No charges were brought against legal persons in 2012.

Some pre-trial investigations completed and submitted to court in 2012 are listed below:

A pre-trial investigation was submitted to Klaipėda City District Court wherein allegations about misappropriation of property and fraudulent accountancy were made against the former director and former chief accountant of the sports club *Neptūnas*.

Šiauliai City District Court was submitted a pre-trial investigation into allegations about bribery, trading in influence, graft and forgery of documents for the purpose of illegal acquisition of driving licences. The pre-trial investigation disclosed that driving licenses were issued to persons who used to pay money to intermediaries in order to acquire counterfeit documents testifying to the completion of the driving school as well as to obtain counterfeit driver's medical certificates and counterfeit certificates testifying to the completion of the first medical aid courses. In the process of this pre-trial investigation 40 criminal acts were detected and 7 persons were indicted.

Šiauliai City Regional Court was submitted a pre-trial investigation with the charges brought against 8 customs officers and 7 persons who grafted them. The investigation established that inspectors from the Klaipėda Territorial Customs Office took bribes from vehicle drivers who have allegedly committed administrative law violations to make them avoid administrative liability by refraining from drawing up protocols of administrative law violations. The investigation also detected that one of the officers has allegedly abused his office by providing the persons concerned with confidential information on working hours of customs officers, thus creating conditions for avoiding customs clearance procedures for freight vehicles owned by a certain company.

Kaunas City Regional Court was submitted a pre-trial investigation into the deputy Mayor's of Kaunas City Municipality alleged abuse of office for the gain of economic profit for himself and other persons.

Panevėžys City District Court was submitted a pre-trial investigation into allegations about criminal acts committed by the private limited liability company *Aukštaitijos vandenys* in implementing the project on the development of waste water and water supply networks funded by the EU (the EU financial contribution amounted to 80% of the total project amount). The STT officials detected that the organised group members in the company *Aukštaitijos vandenys* engaged in the imitation of construction works of waste water networks. Upon the agreement with the management of the construction company *Gerbusta* a plan was devised on how to obtain the EU and national fund in an illegal way. The estimate for works of LTL 1,8 million made by *Aukštaitijos vandenys* included works that have been already done. The obtained data proved that by use of counterfeit documents the old waste water networks were executed as new networks constructed by *Gerbusta*. This provided a possibility to receive remuneration for works that were not actually carried out. The obtained data show that more than LTL 120,000 could have been embezzled by way of abusing the office, swindling and counterfeiting take over certificates and other documents. In view of the established facts, the Environmental Projects Management Agency of the Ministry of Environment reduced the total estimated costs of the project implemented by *Aukštaitijos vandenys* by LTL 159 608.

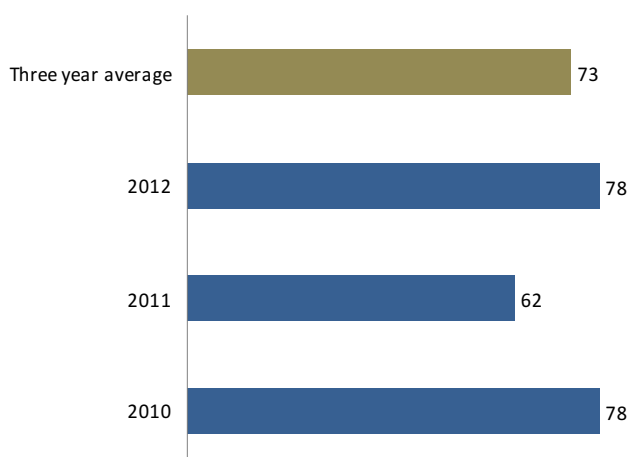
Discontinued pre-trial investigations

Discontinued pre-trial investigations often receive a negative public estimation. Discontinued investigations are considered to prove poor quality of performance of pre-trial investigation officers or prosecutors as it is believed that law enforcement institutions were incapable of disclosing criminal activities. Though discontinuing of pre-trial investigation *per se* should not be assessed either in a positive or in a negative way because it may be predetermined by both positive (e.g. release from criminal liability on bail, etc.) and negative (e.g. lack of evidence conforming the suspect's guilt, etc.) factors and preconditions.

It is noteworthy that all the law enforcement institutions (officers of pre-trial investigation institutions, prosecutors, judges) are bound by the Code of Criminal Procedure to make a proper application of the law so that a perpetrator is imposed the right punishment and an innocent person is not inflicted the punishment.

The pre-trial investigations should be discontinued only after all the significant circumstances have been thoroughly investigated and only after the investigators have ascertained that there are sound grounds for the discontinuation of pre-trial investigation.

Fig. 32. **Change in the number of discontinued pre-trial investigations**



Compared to 2011, the number of pre-trial investigations discontinued in 2012 by the STT increased by 16 or 26%.

Of 78 discontinued pre-trial investigations:

37 (47%) were received from other pre-trial investigation institutions.

21 (27%) were opened as a result of a person's notice, complaint or report on a criminal act;

20 (21%) were initiated on the basis of features of criminal acts established by the STT officers.

In 2012, the STT discontinued pre-trial investigations into 175 criminal acts, of which 25 (14%) on non-exonerating grounds and 150 (86%) on exonerating grounds.

In 2012, the STT discontinued pre-trial investigations involving 76 persons, of whom:

36 public servants (14 (39%) on non-exonerating grounds and 22 (61%) on exonerating grounds.

39 other persons (12 (31%) on non-exonerating grounds and 27 (69%) on exonerating grounds.

1 legal person (on exonerating grounds).

In 2011 likewise in any other year, the largest number of discontinued pre-trial investigations included investigations referred by other pre-trial investigation institutions (47% in 2012, 53% in 2011, 40% in 2010) which did not give promise from the judicial point of view because the commission of administrative law violation or disciplinary violation was established by way of specifying actions.

Quite a great share of pre-trial investigations discontinued in 2012 (27%) included investigations opened as a result of a person's notice, complaint or report on a criminal act. Amendments made on 4 July 2012 to Article 168 (1) of the Code of Criminal Procedure regarding the term of specifying data provided in a notice, complaint or report shortened this period from 20 to 10 days without a possibility of extension. The provision of such a short term resulted in a growing number of cases where establishing of all the circumstances under which criminal proceedings may not be instituted is impossible, therefore, pre-trial investigations were opened disregarding the shortage of information and they were discontinued upon establishing of the above-said circumstances.

Pre-trial investigations instituted as a result of a person's notice, complaint or report were also often discontinued due to the fact that it was not possible to substantiate the circumstances indicated by whistle-blowers with other pre-trial investigation data or due to the difference in treatment of the same factual circumstances by whistle-blowers and by prosecutors who make a decision to discontinue pre-trial investigations.

Pre-trial investigations into abuse of office (Art. 228 of the Criminal Code) constitute a large proportion of the discontinued pre-trial investigations (33%). One of the main reasons for discontinuing investigations into abuse of office is the absence of consequences, i.e. no great damage established, which results in the absence of liability for abuse of office which may be three-fold: physical, material and immaterial. It is not problematic to establish great physical and material damage, though it is rather complicated to establish immaterial damage. The case-law of the Supreme Court of Lithuania considers immaterial damage as restriction of constitutional rights and freedoms, diminishing of the standing of state institutions or interference in normal organisational work, etc. caused by the abuse of office, however, the law or case-law does not set out any universal criteria for determination of the amount of immaterial damage. Therefore, immaterial damage must be determined *ad hoc* on a case-by-case basis in each specific case.

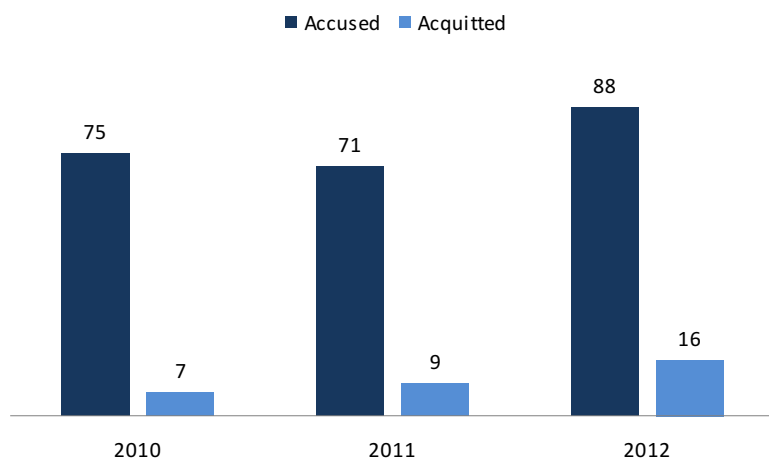
Pre-trial investigations opened as a result of features of criminal cases established by the STT officers in conducting criminal intelligence are rarely discontinued; therefore, it appears that this form of investigation of criminal acts determines the best performance results of criminal prosecution.

Court judgements

Court judgement is a document in a criminal case determining that a person is guilty for the commission of a criminal act or that a person is acquitted. A defendant who is handed down a conviction becomes a convict and a defendant who is handed down an acquittal becomes an acquitted person.

Judgement of the court of first instance comes into effect, if upon the completion of the term for appealing it is not appealed against. In the event of lodging an appeal, the judgement of the court of first instance comes into effect from the date of handing down a decision by an appellate court. Judgements and decisions made by the appellate court come into effect from the date of handing down the judgements and decisions.

Fig. 33. **Change in the number of convicted and acquitted persons**



104 persons were found guilty in 2012 in adjudged criminal cases where pre-trial investigation was conducted by the STT (80 in 2011, 82 in 2010), of whom:

88 (85%) were convicted (judgement of conviction has come into effect for 51 persons and has not come into effect for 37 persons);

16 (15 proc.) were acquitted (judgement of conviction has come into effect for 7 persons and has not come into effect for 9 persons).

Compared to 2011, the number of convicted persons rose by 17 and the number of acquitted persons increased by 7 in 2012.

In 2012, the conviction was secured to:

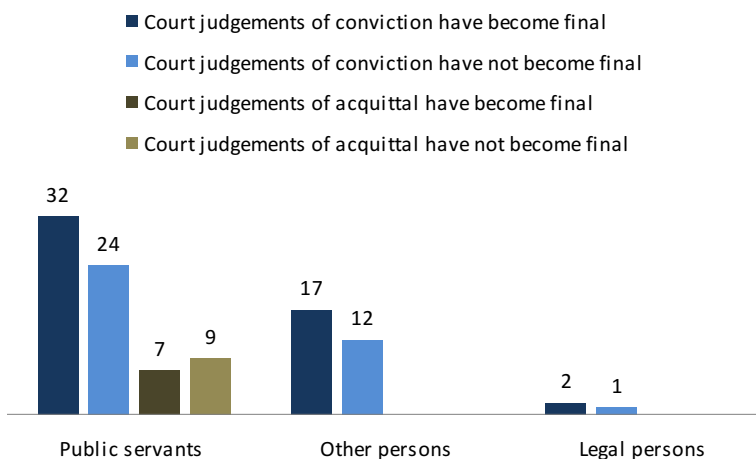
56 public servants (judgement of conviction has come into effect for 32 persons and has not come into effect for 24 persons);

29 other persons (judgement of conviction has come into effect for 17 persons and has not come into effect for 12 persons).

3 legal persons (judgement of conviction has come into effect for 2 persons and has not come into effect for 1 person).

In 2012, the acquittal was secured to 16 public servants (judgement of acquittal has come into effect for 7 persons and has not come into effect for 9 person).

Fig. 34. **The number of persons for whom the judgement of conviction became final and for whom it has not become final**



The court judgements of conviction:

have become final and have been executed for 58% of persons; have not become final and have been appealed against by 42% of persons.

The court judgements of acquittal have become final and have been executed for 44% of persons; have not become final and may be appealed or have been appealed against by 56%.

Unlike judges, pre-trial investigators and a prosecutor who leads them are the first to encounter the circumstances in which the offence was committed. This determines a specific nature of the developing of their view and focus of the investigation, therefore the pre-trial investigators, prosecutors and the court may consider the evidence in a different way given the general context of investigation data.

There have already been cases where obvious corruption cases failed to be proved owing to the differences in qualification and experience of officers involved in the legislative proceedings (e.g. a person has been acquitted due to solely procedural aspects).

Information about the acquitted and convicted persons reveals the results achieved by the STT criminal prosecution in the preceding years, since the time span from the beginning of pre-trial investigation to the date the court judgement is handed down and becomes final is quite long (from 1 to 5 years or even longer). Therefore, the assessment of evidence in the run of pre-trial investigation and judicial proceedings may vary due to the gradual changes in legal regulation, legal doctrine and case-law.

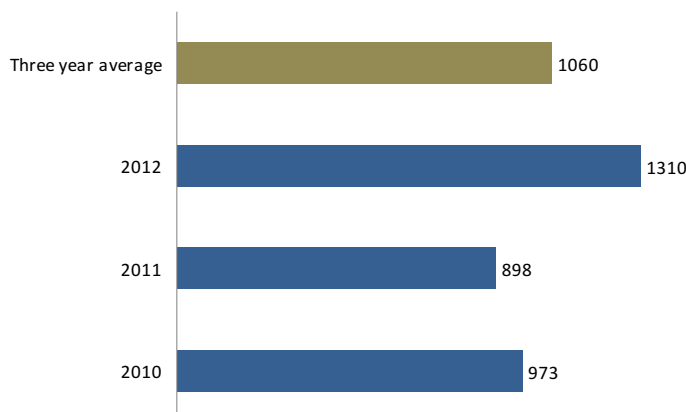
Furthermore, the investigation of corruption-related criminal acts and collection of evidence is more complex as compared to other criminal acts due to their latent nature and other objective reasons

The above said allows to maintain that judgements of acquittal in corruption-related cases are justified and the tolerable number of acquitted persons may be higher as compared to that in other criminal cases.

Having analysed the judgements handed down by courts and the case-law, the STT is regularly improving its tactics and updating the special equipment used for the investigation of corruption-related acts in order to avoid uncertainties as to sufficiency and substantiation of evidence and to decrease the number of acquitted persons in corruption-related cases. Though the remaining factors having influence on the performance results such as insufficient number of pre-trial investigators and training of pre-trial investigators continue to be evident due to insufficient funding and increasing personnel turnover.

Investigation of complaints, notices and reports

Fig. 35. **Number of the received complaints, notices and reports**



Compared to 2011, the number of complaints, notices and reports (further – reports) received in 2012 increased by 412 (46%), of which 416 (32%) were anonymous (unsigned reports received by post or reports bearing a secure electronic signature received by electronic means of communication were investigated according to the same procedure as the signed ones, if they included data allowing to identify a person who wrote the report on criminal acts allegedly committed by public administration entities or other persons).

Having received 1310 reports in 2012, the STT:

- opened 35 pre-trial investigations;
- drew up 115 decisions on refusing to institute pre-trial investigations;
- detected 3 cases of malfeasance, 4 cases of administrative law violation, 3 cases of public interest infringement and 1 case of the adjustment of private and public interests in the public service and reported the cases to other competent institutions;
- transferred 364 cases to other competent institutions for examination;
- did not apply administrative procedure with regard to 394 reports (provided whistle-blowers with responses within 5 working days);
- did not examine 176 reports in the manner prescribed by Art. 23 (3) and (6) of the Law on Public Administration of the Republic of Lithuania.

In 2012, people mostly addressed the STT concerning the actions and decisions of law enforcement (22%) and land use (5%) institutions.

Reporting criminal activity to law enforcement is a civic duty, however, people often neglect it for a variety of reasons. This duty is also often neglected by public servants and persons treated as such, even though they are imposed higher requirements for transparency. Failure to fulfil the duty for public servants and persons treated as such to report corruption-related criminal acts to law enforcement results in a failure to diminish preconditions and chances to engage in corruption and to ensure transparency of the activities carried out by public servants and persons treated as such. It is, therefore, appropriate to establish the duty for public servants and persons treated as such in the legal acts to report the STT on the activities having features of corruption-related criminal acts known to them.

PREVENTION OF CORRUPTION

The goal is to detect the reasons and pre-conditions of corruption

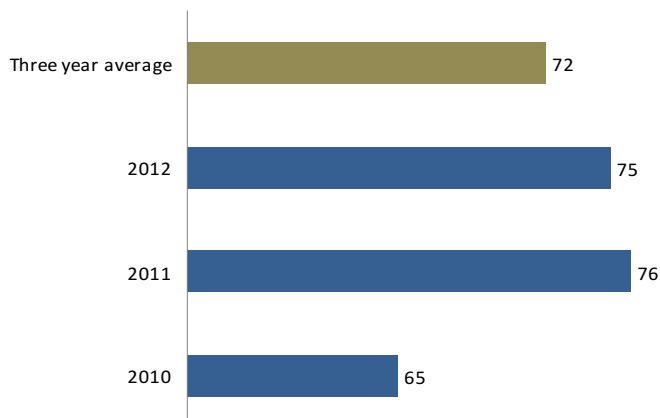
For STT, it is important to find out the reasons and pre-conditions of corruption, observe changes and anticipate their impact to be able to implement its functions appropriately. In co-operation with other public and private sector organisations STT seeks to create and develop an effective corruption prevention system to be able to detect the systems and procedures contributing to corruption and to eliminate them.

Corruption risk analysis

Corruption risk analysis means an anti-corruption analysis of the activities of a state or municipal body in compliance with the procedure established by the Government and presentation of motivated conclusions about the development of an anti-corruption programme and proposals about the content of the programme. It also includes recommendations concerning prevention measures to state and municipal authorities that are responsible for their implementation.

While performing corruption risk analysis STT helps institutions create a system of new effective measures of prevention, reducing the risk and expansion of corruption.

Fig. 36. **Dynamics in the conclusions about the areas prone to corruption**

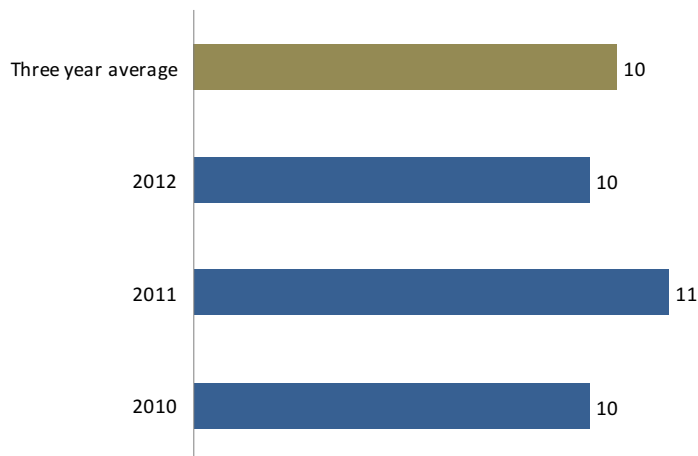


Following the criteria laid down in the Law on Corruption Prevention (Official Gazette, 2002, No. 57-2297; 2012, No. 122-6109) Article 6(3), state and municipal authorities should identify the areas of their operation most prone to corruption. They should present their conclusions to STT. In 2011 and 2012, the number of conclusions received by STT almost stayed the same.

STT observed that some of the state or municipal bodies that have been tasked to detect corruption prone areas comply with this requirement only formally. Having this in mind, it is important to take the following actions:

- single out the detection of corruption prone areas as a separate corruption prevention measure, i.e. separate it from corruption risk analysis;
- establish the frequency of detection of corruption prone areas in the activities of state and municipal authorities, i.e. at least once per five years;
- identify the authorities that are obliged to detect corruption prone areas;
- develop a new procedure for detection of corruption prone areas;
- set concrete deadlines within which state or municipal authorities should perform detection of corruption prone areas;
- lay down clear-cut criteria for assessment of corruption risks in the activities of state and municipal authorities;
- identify the actions that should be performed by state or municipal employees in charge of detection of corruption prone areas to be able to identify corruption risk factors and reduce or eliminate their negative influence.

Fig. 37. Dynamics in performed corruption risk analysis



Upon receiving conclusions of a state or municipal authority about a corruption prone area and having assessed compliance of the activities of that state or municipal authority with the criteria laid down in Corruption Prevention Law Article 6(5), STT makes a decision concerning the necessity to perform corruption risk analysis.

In 2012, STT adopted the following decisions:

concerning 64 conclusions with regard to the non-performance of corruption risk analysis;

concerning 16 conclusions to perform corruption risk analysis.

From 2010 to 2012, the number of performed corruption risk analysis stayed almost the same.

Some of the assessment criteria laid down in the Corruption Prevention Law which are taken into consideration by STT, when deciding concerning the need to perform corruption risk analysis of the activities performed by a state or municipal authority, are too abstract and vague to be able to identify corruption risk areas precisely. When deciding concerning the need to perform corruption risk analysis in the area of operation of a state or municipal authority and making a decision with regard to corruption risk analysis STT acts in compliance with the assessment criteria laid down in Corruption Prevention Law, assesses the conclusions of corruption prone areas adopted by the state or municipal authorities and related information. However, it happens more and more frequently that the decisions concerning the performance of corruption risk analysis are made not with regard to the conclusions submitted by the state or municipal authorities concerning the identification of corruption prone areas and related information but after receiving written motivated requests of other authorities concerning possible corruption prone areas or corruption risk factors. Corruption Prevention Law does not state clearly how STT should take decisions about corruption risk analysis after it receives motivated requests to perform corruption risk analysis in state or municipal authorities of other entities when there are corruption risk factors.

With regard to the aforementioned circumstances, the following actions should be taken:

review the procedure of performing corruption risk analysis;

set out clear-cut criteria to be followed by STT when taking a decision concerning the need to perform a planned or unplanned corruption risk analysis in a state or municipal authority;

specify the authorities entitled to propose to STT to perform corruption risk analysis in the area(s) of operation of a state or municipal authority due to the existing corruption risk factors;

establish duties of a state or municipal authority with regard to which a decision is taken to perform corruption risk analysis in performing corruption risk analysis and after it.

During 2012, STT performed corruption risk analysis in the following fields:

In Vilnius city municipality concerning the administration of social housing

STT discovered that the activities of the Vilnius city municipality are insufficiently regulated concerning the lists of persons entitled to social housing; the procedure for informing persons about adopted decisions and transfer from one list to another is not comprehensive; there are no criteria established on the basis of which a person is entitled to a concrete housing; the procedure of priority

allocation of housing is not comprehensive; the time periods for priority rent of housing have not been set; the control of provision of social housing rent has not been regulated; the procedure for crossing out persons from the list of qualified persons to obtain social housing rent has not been established.

STT proposed to eliminate the aforementioned shortcomings as corruption risk factors.

In the area of waste management and administrative monitoring of Vilnius Region Environmental Department of the Ministry of Environment

STT discovered that the legal regulation of the activities of environmental agencies is not sufficient: the powers of monitoring exercised by inspectors are too wide, their actions with regard to inspections of persons or imposition of administrative fines are not adequately controlled; legal acts do not clearly regulate the time period during which mandatory instructions given by inspectors should be implemented.

STT proposed to eliminate the aforementioned shortcomings as corruption risk factors.

In the area of purchasing hip and knee endoprosthesis by the State Patients' Fund

STT discovered that individual phases of purchasing hip and knee endoprosthesis are not performed fully transparently; the persons taking part in procurement have an opportunity to protect the interests of individual suppliers of hip and knee endoprostheses.

STT proposed to develop specifications of joint endoprostheses purchased using the budgetary funds of the Mandatory Health Insurance Fund (MHIF); make a list of potential producers (suppliers) of joint endoprostheses; when drawing up a list of joint endoprostheses purchased with the MHIF funds lay down the qualification and reputation requirements; provide for a personal liability of experts who do not perform their functions properly; make sure that when choosing the means for public procurement of joint endoprostheses from the MHIF, clear and transparent decision-making motives should be established; consider conducting public procurement through the Central Procurement Authority.

In the area of organisation and conducting public procurement as well as implementation of corruption prevention measures in the Anykščiai region municipality

STT discovered that municipal Rules of Organisation and Implementation of Simplified Public Procurement and the Rules of Procedure of Public Procurement Commissions do not include fully regulated provisions related to the organisation of public procurement; the job descriptions of some civil servants do not make a distinction between conducting of public procurement and performing oversight and control over such actions; ample opportunities have been left for discretion in the decision-making process.

STT proposed to eliminate the aforementioned shortcomings as corruption risk factors.

In the area of issuance of construction and other licences as well as implementation of corruption prevention measures in the Šakiai municipality region

STT discovered that the legal acts regulating the operation of the Architecture and Urbanistics Division do not clearly mark the limits of powers exercised by the division, employee functions are not clearly described in their job descriptions; internal rules regulating the operation of the Support Unit of the municipal administration contain corruption prone procedures for issuing licences and permits because according to them an employee of the same division develops the documents for a licensed activity, issues licences and performs oversight over compliance with rules of the licensed activity; some descriptions of the procedure for issuing licenses by the division are missing.

STT proposed to eliminate the aforementioned shortcomings as corruption risk factors.

In the area of administration and rent of social housing, issuance of licences and permits as well as implementation of corruption prevention measures in the Šalčininkai region municipality

Having performed analysis on the administration and rent of social housing, STT proposed to undertake the following actions: set a clear deadline for inclusion or non-inclusion of an applicant into a concrete list of persons entitled to rent social housing; clarify the deadlines for an administrative procedure to have a person (family) included in the list of persons entitled to social housing rent; approve the description of the procedure for crossing out persons (families) from the list of persons entitled to social housing rent or improvement of living conditions; ensure control over the work of

employees operating in the Property Management Division; set objective criteria for the assessment of repair costs incurred by a tenant.

After performing analysis in the field of issuing licenses and permits, STT proposed that the rules of the Property Management Division and employee job descriptions should be supplemented; there should be a more comprehensive regulation of the procedure for coordination of outdoor advertising; there should be a clearer implementation of control over the compliance with the requirements of installation of outdoor advertising and a clearer description of the remit of competences of persons in charge of exercising compliance control; internal rules of municipalities should lay down the minimum and maximum time period during which the advertising entity should eliminate the shortcomings (i.e. when outdoor advertising fails to comply with legal regulations).

In the area of organisation of social support provision, issuance of licences and permits and implementation of corruption prevention measures in the Skuodas region municipality

Having performed the analysis, STT proposed to offer an opportunity for persons to make an anonymous notification about the quality of service and instances of corruption in the municipal administration; develop targeted information about the services provided by the municipality and the requirements to obtain them; appoint responsible persons in charge of a regular review and update of information published by the Social Support Division on the municipal website; clarify and co-ordinate job descriptions of civil servants and contractual employees working in the Social Support Division of the municipality; include the function of exercising control over subordinate employees in the job description of a head of division.

In the area of organisation of waste management services of Alytus region municipality

STT discovered elements of corruption in the legal regulation under which municipalities, that are also shareholders of the private limited company Waste Management Centre of Alytus Region, are entitled to obtain profit and that municipal councils have the right to set the amount of local fee for collection and management of household waste. STT proposed that the methodology used in calculating costs should be clarified; it suggested that municipal councils should set landfill gate fees (prices for destruction of unsorted and mixed household waste).

In the area of execution of conditional release procedures by the Prisons Department under the Ministry of Justice and implementation of corruption prevention measures

STT analysed the actions undertaken by the Prisons Department and the bodies subordinate to it in performing the procedure of conditional release from correctional establishments, the procedure for drafting social survey findings, the procedure for employment of convicts and the procedure of assessing behaviour of convicts. STT discovered that in certain instances there are no transparent and clear assessment criteria to be followed by the Prisons Department and accountable bodies when performing individual stages of procedures and making decisions; in individual cases it is not ensured that the procedures could be performed only by highly qualified and reputable persons.

STT proposed to eliminate the aforementioned shortcomings as corruption risk factors.

In the area of administration of immovable state protected cultural heritage of the Ministry of Culture and Cultural Heritage Department

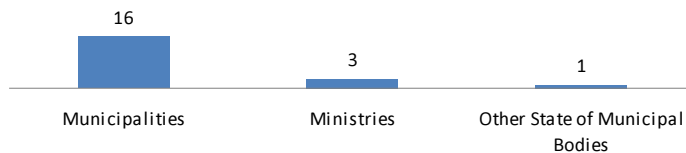
STT discovered that the following procedures are not fully regulated: procedure for setting up protected territories; procedure for assessing immovable cultural values and their selection; procedure for development of projects for management of cultural heritage; procedure for issuing permits to perform heritage management works; procedure for reimbursement of costs incurred while performing heritage management works of state protected cultural objects. STT also found deficiencies in the work of the Department of Cultural Heritage when administering protection of immovable cultural heritage, setting up protected sites, announcing cultural heritage objects, issuing temporary protection regulations and permits to perform heritage management works as well as allocating reimbursement to managers of cultural heritage objects.

STT proposed to eliminate the aforementioned shortcomings as corruption risk factors.

Analysis of institutional anti-corruption programmes

The analysis of institutional anti-corruption programmes means examination of anti-corruption programmes developed and implemented by state or municipal authorities in order to identify their deficiencies, make proposals on how they should be improved and find out how STT proposals are followed.

Fig. 38. Number of analyses of anticorruption programmes and their drafts



During 2012, STT conducted 20 analyses of anti-corruption programmes and their drafts developed and implemented by state and municipal authorities. Such analyses include:

16 municipal programmes or their drafts;
 3 ministerial programmes (1 of the Ministry of Culture and 2 of the Ministry of Justice);
 1 on the Prisons Department.

Having performed the analyses STT identified the following deficiencies:

- some municipalities do not update their programmes which are not always linked to a specific implementation period;
- while developing new programmes municipalities do not carry out impact assessment of previous programmes or their implementation which would serve as the basis for a consistent pursuance of an anticorruption policy;
- quite frequently municipalities perform a superficial analysis of environmental and internal factors affecting them;
- draft municipal programmes are rarely co-ordinated with municipal bodies or authorities, civil society, interest groups, residents and websites of municipalities usually publish the programmes and action plans already adopted by municipal councils;
- some of the municipal programmes lack a detailed mechanism for programme or action plan administration, amendment or supplement;
- programmes do not always include bodies or enterprises that have been fully or partially established by the municipality; moreover, governmental and non-governmental organisations are not always included in programme implementation;

STT proposed the following to municipalities:

- when developing and updating municipal programmes and action plans, municipalities should follow a methodology for development of municipal corruption prevention programmes adopted by order of STT director of 31 December 2008;
- prior to developing new municipal anti-corruption programmes, conduct comprehensive analysis of operation of municipal authorities, bodies and enterprises founded by municipalities;
- link the programmes with municipal strategic action plans; set the amount of funds that can be used to implement the measures laid down in the action plans;
- involve the bodies that belong municipalities as well as civil society organisations and residents into municipal anti-corruption activities.

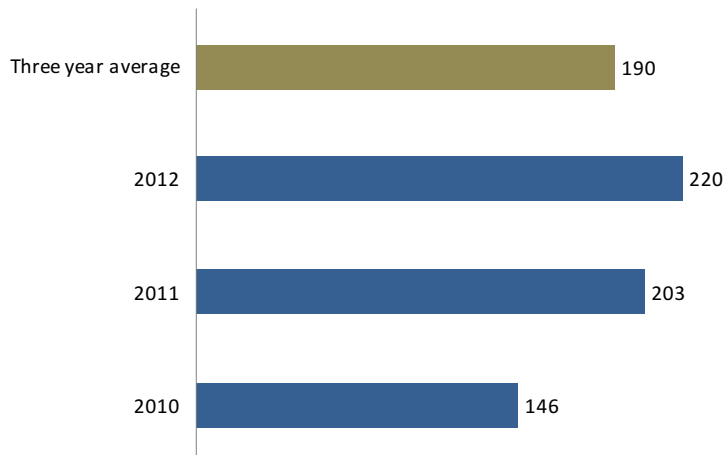
Anti-corruption assessment of legal acts and their drafts

The anti-corruption assessment of legal acts and their drafts means assessment of the existing or proposed mechanism of legal regulation from the anti-corruption point of view as well as identification of shortcomings and preconditions of corruption risk and/or factors.

When performing an anti-corruption assessment STT seeks to assess the impact of legal regulation on the scope of corruption; identify legal corruption risk factors (loopholes, collisions,

insufficiency of procedures and measures, etc.) and ensure that when a draft legal act is adopted, the possible consequences of its implementation is taken into account.

Fig. 39. Number of anti-corruption assessments of legal acts and their drafts

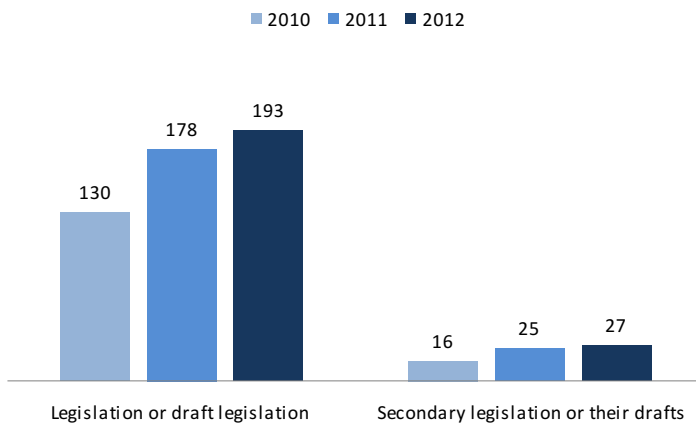


In 2012, as compared to 2011, STT conducted 17 (8 per cent) more anti-corruption assessments of legal acts and their drafts.

During 2012, STT performed 220 anti-corruption assessments of legal acts or their drafts, including: 193 (88 per cent) laws and their drafts; 27 (12 per cent) regulations and their drafts.

In 2012, STT conducted 76 (35 per cent) anti-corruption assessments on its own initiative.

Fig. 40. Number of anti-corruption assessments of legal acts and their drafts by type of act



In 2012, as compared to 2011, STT conducted the following:

15 (8 per cent) more anti-corruption assessments of laws or their drafts; 2 (8 per cent) more anti-corruption assessments of regulations or their drafts.

On its own initiative STT performed anti-corruption assessments of the following: 55 (29 per cent) laws or their drafts; 21 (78 per cent) regulations or their drafts.

The key anti-corruption assessments have been conducted in the following fields:

Healthcare. STT performed an anti-corruption assessment of legal acts and drafts related to the reimbursement of joint endoprosthesis purchasing costs.

STT proposed to improve the procedure under which the patient who should undergo a planned joint endoprosthesis surgery purchases the endoprosthesis with his or her own money and is not required to queue up for it. STT repeatedly recommended to set concrete deadlines for the operation and notification of the State Patients Fund about a patient failing to come for the operation, etc.

STT found out that there is no criterion under which endoprosthesis purchasing costs are co-financed or when reimbursement is denied. Therefore, quite opposite decisions can be made with regard to the amount of reimbursement costs. The Ministry of Health has taken the STT proposals into consideration and modified the description of the procedure.

Public procurement in culture. STT performed an anti-corruption assessment of a draft law on Public Procurement (No. XIP-4323). STT noted that the regulation proposed by the draft law would distort the current system of public procurement, i.e. instead of the application of a suggested simplified procedure in certain cases it is proposed to be applied with regard to all low-value procurement; the obligation to apply the most economic proposal or the smallest price criteria is suggested to be abandoned with regard to low value procurement proposals; the terms and conditions

of the agreement could be amended with the consent of the Public Procurement Office, etc. Transparency of public procurement would decrease if the requirement to make procurement plans, reports and certain public procurement procedures were abandoned.

Public procurement in the activities of political parties. STT performed an anti-corruption assessment of Article 4(2) of the Law on Public Procurement (No. XIP-4024). The new draft of the law suggests that procurement organised by political parties and political campaigns should not be subject to public procurement procedures. STT thinks that such provisions would be faulty from the anti-corruption point of view. The exceptions applied to the political parties and political campaign participants would conflict with the main principles of the Public Procurement Law and the essence of public procurement, i.e. ensuring transparency of procurement using state budgetary funds. Committee on Economics of the Seimas disapproved of STT proposals. President of the Republic vetoed the draft law and the Seimas adopted a law with only minor amendments.

Gambling. STT conducted an anti-corruption assessment of draft laws on lottery. It noted the similarity between online lotteries and gambling machines (including online slot machines) and suggested that measures should be taken to prohibit such health hazardous activities to minors. Moreover, STT made comments concerning inaccuracy of certain legal provisions and means to avoid discretion of the Gambling Supervision Service under the Ministry of Finance in issuing, suspending and termination of gambling licences, etc.

Compensation of real estate. STT performed an anti-corruption assessment of the Law on Good-Will Compensation of Real Estate of Jewish Religious Communities (No. XI-1470) and found out that many provisions of the law are abstract (e.g. no concrete requirements are set for organisations that could be entitled to funding from a fund established in compliance with the procedure established by law; it is not required that the fund allocating the funds should ensure control of the use of such funds; there is no legal regulation of support to be provided to Jews who lived in Lithuania during World War Two and who suffered from totalitarian regimes, etc.). In the opinion of STT, such provisions pose risk from the anti-corruption point of view and offer opportunities for a misuse of state-paid compensation.

Change of leadership of bodies accountable to the Seimas. STT conducted an anti-corruption assessment of the draft Statute of the Seimas Amending Article 206 (No. XIP-4269) and draft secondary legislation regulating control of individual state bodies and appointment of high-level officials (including STT, Prosecutor General's Office, State Security Department). STT noted that draft legislation suggests that if the Seimas rejects the report of a body accountable to it, the head of that body would be dismissed. The draft laws do not provide for criteria under which annual performance reports can be rejected, which opens up opportunities for the abuse of powers in dismissing high-level officials. Moreover, under such provisions the bodies accountable to the Seimas would be dependent on a subjective opinion of MPs and the balance between the performance of such bodies and their accountability would be in jeopardy. If draft law provisions were adopted, quite a few bodies that belong to the executive branch of the government would be influenced by the legislature and the independence of leadership heading the bodies would be susceptible to political decision-making.

Territorial planning. STT conducted an anti-corruption assessment of the draft Law Amending the Law on Territorial Planning (No. XIP-3897). According to STT, the special procedures applied to territorial planning of the projects of national importance do not ensure the protection of public interests and therefore pose anti-corruption problems. The draft law offers a discretion to the developers of special territorial plans to ignore the feedback obtained from competent authorities on the terms and conditions of such planning. STT notes that there is no clear definition of a public participation in planning territories. Moreover, the special planning publication procedures of the projects of national importance have not been coordinated with the other provision of the Law on Territorial Planning, which opens the room for their different interpretation.

Protected territories. STT performed an anti-corruption assessment of a new draft law amending the Law on Protected Territories (No. XIP-4052). The new draft law suggests to open up opportunities for construction works on protected territories when there is rubble of former cottages or other buildings. The new draft law contains no details on the procedure of how the presence of such rubble should be established. STT suggested that this fact should be always decided by the court.

Social housing. STT performed an anti-corruption assessment of legal acts regulating construction of social housing, its rent and privatisation. STT holds a negative opinion about the opportunities offered to municipal councils to adopt decisions with regard to persons entitled to such housing without setting any criteria or principles. Moreover, the law does not provide for the procedure and principles according to which the lists of persons entitled to social housing or its rent can be amended. STT suggested that the terms and conditions applied to persons renting social housing should be made stricter, taking a better account of such persons' income.

Forests. STT performed anti-corruption assessments of the Rules for Selling State-Owned Forest Land Plots and the Rules for Organisation of Auctions for Selling State-Owned Forest Land Plots approved by the Government Resolution (No. 1348) of 16 November 2011. STT submitted its comments concerning the opportunity of leasing stated-owned forest land plots purchased in auctions, specifying that it opens up room for abuse. Responsible bodies took account of the STT comments and made amendments to eliminate such an opportunity.

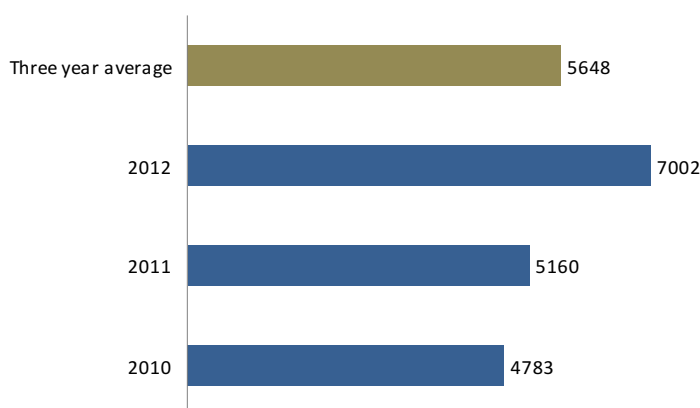
Energy. STT performed an anti-corruption assessment of the Description of the Procedure for Promoting the Use of Renewable Resources approved by Government Resolution (No. 827) of 4 July 2012. STT concluded that the description opens up opportunities for abuse in purchasing surplus energy from renewable resources, reserving the power and capacity of power grids, taking part in the auctions of power production from renewable resources. STT also determined that there is a lack of legal acts regulating the use of electricity by the heat generators. STT shared its comments and proposals with the Ministry of Energy.

Bailiffs. STT took the initiative to perform an anti-corruption assessment of legal acts regulating the activity of bailiffs. Findings of the anti-corruption assessment include the following: unclear establishment of bailiff's territories and the number of bailiffs in them; non-transparent procedure of distribution of documents among bailiffs; opportunities offered to bailiffs to perform the actions of the other bailiff in another territory without obtaining the court permission; opportunities for bailiffs to abuse their powers and have gains by assessing the debtor's property.

Provision of information about persons

The provision of information about a person is a corruption prevention measure, the purpose of which is to prevent unreliable persons or those of bad reputation to hold positions in a state or municipal body, obtain a state award, get access to secret information, purchase shares or long-term assets of public or private companies owned by the state or municipality.

Fig. 41. **Number of persons about whom information has been provided**



During 2012, STT collected and submitted information about 7,002 persons, including: 6,912 natural persons; 90 legal entities.

During 2012, as compared to 2011, STT collected and submitted information about 1,842 persons (36 per cent) more.

During 2012, STT submitted information about 1,587 persons seeking to hold or holding posts in a state of municipal authorities. Information was submitted to the following bodies:

President's Office, 193 persons (including 72 per cent of them who sought the position of the chair of the court, deputy chair or judges);

Government, 38 persons (including 51 per cent of them seeking to become Prime Minister's advisers);

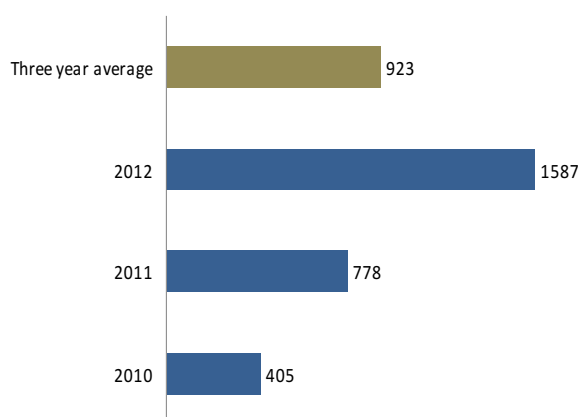
Seimas, 33 persons (including 82 per cent of them seeking to become members of the Chief Election Commission);

ministries as well as bodies and enterprises accountable to them, 397 persons (mostly about persons seeking to hold or holding positions in the Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Environment and bodies accountable to them);

municipalities as well as bodies and enterprises accountable to them, 334 persons (mostly about persons seeking to hold or holding positions in the bodies and enterprises of Kaunas town, Vilnius city and Panevėžys region);

law enforcement bodies, entities of criminal intelligence, 592 persons (including 62 per cent of them seeking to hold posts in the Customs Department).

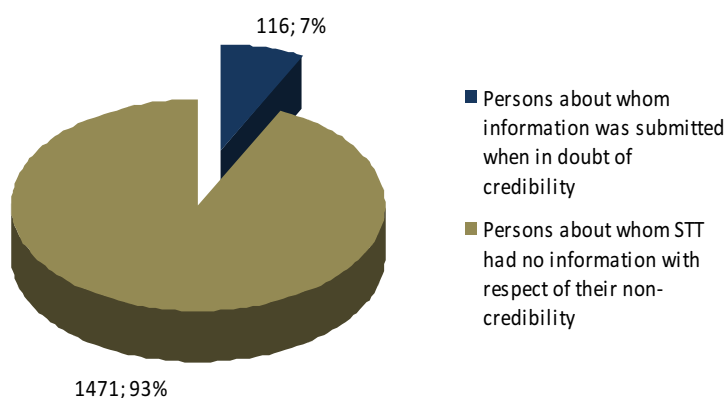
Fig. 42. **Number of persons holding or seeking to hold positions in a municipal body or enterprise about whom information was provided**



In 2012, as compared to 2011-aisiais, STT collected and submitted information about 809 more persons holding or seeking to hold position in a state or municipal body or enterprises. As compared to 2010, the number of persons about whom information was collected and submitted quadrupled.

During 2012, STT collected and submitted information about 1,587 persons including: 1,467 persons seeking to hold a position in a state or municipal body or enterprise; 120 persons holding a position in a state or municipal body or enterprise.

Fig. 43. **Number of persons about whom information was submitted (in assessing their reliability)**



The number of persons whose background check has been carried out in the mandatory procedure amount to 847 people. They are appointed by Seimas, President, Speaker of the Seimas, Government or Prime Minister. The background checks have also been carried out of persons seeking the post of vice-ministers, chancellors of ministries, directors or deputy directors of municipal administration, prosecutors, heads or deputy heads of state or municipal bodies, managers or deputy managers of state or municipal enterprises in which the state or a municipality holds more than 50 per cent of shares.

Law on Civil Service Article 3¹ lays down that a person accepting a civil servant into a position shall make sure that such persons comply with the requirements of irreproachable reputation. However, there are cases that persons are appointed to hold positions in the civil service without submitting them to the mandatory background checks performed by STT.

Law on Corruption Prevention Article 9(10) stipulates that a written request of an entity or an authorised person thereof which has appointed a person into a position should be motivated and include documents verifying doubts concerning a person about whom information is requested to certify the person's credibility to occupy the post. It happens quite often that the request does not contain such motives or other data raising doubts about the person's credibility (in 2012, the number of such requests totalled 119).

Law on Corruption Prevention Article 9(2)(6) stipulates that STT collects and submits classified information about persons who have grossly violated labour law and was subject to disciplinary sanctions. Such information should be submitted to entities appointing the person to hold a position. It happens quite often that employers do not provide such information (over 14 per cent of cases) or provide it quite late, i.e. failing to meet the established deadlines.

The written requests provided for in Law on Corruption Prevention Article 9(6) should be submitted to STT prior to appointing a person into a position. However, there were quite a few cases during 2012 when such legislative requirements were ignored.

As of 1 January 2013, when the Law Amending Article 9 of the Law on Corruption Prevention will come into effect STT will be required to collect information about:

- administrative penalties applied to persons for administrative violations;
- tax inspection or investigation conducted with regard to persons when such investigations have detected tax violations (the information is submitted concerning the last ten years counted from the date of receipt of a written request to the STT to submit information).

Implementation of National Anti-Corruption Programme (NACP)

- Pursuant to the provisions of the National Anti-Corruption Programme (NACP) STT:
 - takes in the Interagency Anti-Corruption Commission (IACC) in charge of co-ordination and control of the NACP implementation;
 - conducts analysis and at least once per year submits summarised information about key corruption related issues in individual public sectors;
 - performs monitoring of the NACP effectiveness;
 - takes part in the NACP updating process;
 - is responsible for implementation of specific measures and contributes to their implementation when the main implementing authority is another institution.

Implementation of NACP

During 2012, STT took part in implementation of 14 measures of the NACP and its action plan. 11 of these measures have been fully implemented.

When implementing the measures provided for in the NACP and its action plan STT implemented the following measures:

- submitted overviews to the IACC, Judicial Council and the Ministry of Justice (e.g. concerning information about the relevant corruption related issues in the public sector) (measure 31.1);
- provided assistance to the National Courts Administration which developed the methodology for assessing the probability of corruption in judicial activities (measure 2.6);
- provided assistance to the National Courts Administration which developed a sector anti-corruption programmes for Lithuanian courts and the National Courts Administration (measure 2.7);
- assessed economic, legal and organisational aspects of STT and submitted its opinion about the appropriate model of a quality assessment system in STT (measure 2.11);
- summarised information about protection of whistleblowers of corruption related offices and submitted this information to several state authorities (measure 2.15);
- submitted its opinion to the Ministry of Environment about collegiate decision-making in approving detailed plans (measure 6.2);
- submitted its opinion to the Ministry of Justice about integrity testing which would offer opportunities to develop such practice in civil service (measure 7.9);

developed and submitted its opinion to the Ministry of Justice concerning amendment of legislation ensuring confidentiality of civil servants who act as whistleblowers with regard to gross violations of other civil servants (measure 7.13);

have not conducted any events yet STT officials took part in 28 TV and radio shows (measure 8.1);

contributed to the organisation of and participated in campaigns, conferences, discussions and other anti-corruption events (for more information please refer to the part on Anti-Corruption Education and Information)(measure 8.9);

submitted its opinion to the Ministry of Culture concerning legal acts regulating liability of the mass media representatives (measure 9.1);

submitted its proposals to the Prosecutor General's Office concerning development of draft laws regulating the procedure of abandoning of immunity of persons (measure 9.2);

submitted its proposals to the Prosecutor General's Office concerning the basis and reasons for termination of pre-trial investigations of corruption offences as well as improvement of operation of law enforcement bodies (measure 9.5);

submitted its proposals to the Prosecutor General's Office concerning co-operation of bodies in strengthening corruption investigation capacities (measure 9.6).

Monitoring of implementation of NACP measures

Having summarised the information provided by state and municipal authorities about the process of implementation of the NACP and its effectiveness in 2011–2012, STT concluded that by 31 December 2012, 81 NACP measures were being implemented, including:

36 measures which were implemented;

30 measures were partly implemented (the measure is considered partly implemented if its executor performed the actions significant to obtain the expected results, yet the ultimate result was not achieved);

5 measures were not implemented (the measure is considered not implemented if its executor failed to perform the actions necessary to achieve the expected result and the result was not achieved);

4 measures are implemented on the annual basis;

6 measures were started to be implemented prior to the established deadline (2013–2014).

STT noticed that state authorities and municipal bodies often develop or implement the NACP measures only formerly. The implementation of measures is more frequently process rather than result-oriented. One of the most common excuse for not implementing a specific measure is the lack of resources. Admittedly, NACP is among few programmes which have not been allocated individual funding, i.e. state and municipal bodies were obliged to performed the measures using their own limited resources).

ANT-CORRUPTION EDUCATION AND AWARENESS RAISING

The objective is to form a general intolerance towards corruption and develop a positive image of STT.

Article 10 of the Law on Corruption Prevention states that anti-corruption education must be implemented at all types and levels of educational institutions through mass media and other tools as an integral part of the educational system.

STT, within the scope of its competence, implements and encourages other state and municipal institutions to implement anti-corruption education targeted at three social groups– pupils, students (the youth) and public servants.

STT is open, accessible and always ready, within the assigned competences, to answer all the corruption-related questions and timely deliver information (except for sensitive one) in an easily comprehensible language. It also thoroughly analyses and assesses how the delivered information is perceived by the public as well as endeavours to obtain feedback.

Anti-corruption education of public servants

In 2012, the STT delivered 98 anti-corruption seminars and lectures in a number of state and municipal institutions:

- 23 ministries and institutions subordinate to ministries;
- 17 courts and police institutions;
- 25 health care institutions;
- 9 municipalities;
- 6 departments of the Lithuanian Armed Forces;
- 18 other state and municipal institutions.

Seminar attendees were informed of specific corruption cases, methods of active resistance against corruption, damages caused by corruption and liability laid down in the law for corruption-related criminal acts. In 2012, these anti-corruption lectures were heard by 3000 officials from different institutions, the majority of whom were public sector officials working in managerial positions.

In 2012, the STT also held 5 seminars for municipal and ministerial officials responsible for the implementation of anti-corruption measures. The seminar attendees were provided with information on the anti-corruption assessment of the existing legal acts and draft legal acts, identification of areas prone to corruption and drawing up of corruption prevention programmes. These seminars were attended by about 120 officials of state and municipal institutions, of whom: 100 officials were from 47 city and district municipalities and 20 ones from various ministries and institutions subordinate to the ministries.

Anti-corruption education of children and young people

Anti-corruption education of children and young people is aimed at developing a person who is aware of risks caused by corruption to the public welfare and state security, is intolerant towards corrupt practices and capable and ambitious to eliminate them.

Formal educational activities are carried out by integrating the elements of anti-corruption education into the general education programmes.

Informal educational activities are conducted by encouraging different extra training initiatives such as civic events, projects, conferences for pupils and other anti-corruption events.

Involvement in the formal anti-corruption education of children and young people

In 2012, the STT delivered 17 seminars for the principals and teachers of state educational establishments providing compulsory general education, 5 seminars for professors of state educational establishments providing higher education.

In 2012, the STT officers arranged a number of meetings with the principals and teachers of different regional schools and gymnasiums as well as representatives from some regional municipal administrations and departments and pupils from Vydūnas secondary school and Vaivorykštės gymnasium in Gargždai. These meetings were devoted to discuss the best methods of anti-corruption education of pupils and provide recommendations on the implementation of anti-corruption education measures.

In order to improve the qualification of professors from higher education institutions in the area of anti-corruption training measures, the STT officers provided a number of professors and principals with methodological assistance. They also took part in the activities of the commission for the defence of bachelor papers on the topics of public administration in the Faculty of Social Sciences of Šiauliai University.

In 2012, the STT officers were involved in the activities of a working group set up by the Ministry of Education and Science in order to discuss the methodological measure "Possibilities of Anti-Corruption Education in General Education Schools" and to lay down specific criteria for the implementation of this measure. Initial proposals and recommendations put forth by the working group are publicised on the Internet website of the Education Development Centre: www.upc.smm.lt.

Involvement in the informal anti-corruption education of children and young people

In 2012, the STT officers in co-operation with the Division of Education and Training of Kaunas City Municipality and Working Group on Anti-Corruption Education of Pupils from Kaunas General Education Schools held a traditional competition *Be Honest* for the best anti-corruption knowledge and artistic creation entered by pupils from 36 Kaunas general education schools. Teams made of pupils in grade 3-4 and 7-8 took part in the competition. They were expected to make a presentation of their team, design an anti-corruption poster and give a performance exposing public corrupt practices and identify opportunities for eradicating corruption.

In 2012, the STT signed a co-operation agreement with the Public Enterprise *SOS projektai* which was implementing the project *Why do we need it?* (www.kamtoreikia.lt) aimed at involving business representatives and public servants into professional voluntary activities in schools, preparing young people for successful career and life and building up anti-corruption attitudes. Within the framework of the project, the STT officers developed anti-corruption education programmes for senior pupils and held lectures on anti-corruption issues in a number of general education schools, gymnasias and lower secondary schools.

In 2012, the STT started to co-operate with the Public Enterprise *Kitas variantas* (www.kitasvariantas.lt) – independent voluntary organization which endeavours to encourage and help Lithuanian young people establish long-term goals, develop their personal capabilities in a more swift way and exploit their potential. In the summer camp young people in collaboration with Transparency International, Lithuanian Chapter arranged a 2-hour simulation game in the STT of allegedly non-transparent municipal elections.

In 2012, to commemorate the international anti-corruption day, the STT organised:

- in co-operation with Kaunas City Municipality the event *Pupils AGAINST Corruption* – procession in Kaunas Avenue – which was joined by more than 400 grade 6–10 pupils from more than 20 schools;

- the debates among pupils from Kaunas City general education schools on the topic "The New Generation will Create Lithuanian Society Free from Corruption" which were joined by teams of grade 9–12 pupils from 17 Kaunas general education schools;

- in co-operation with Šiauliai Stasio Šalkauskio gymnasium the civic event "Give an Example of how not to Take – Follow an Example of how not to Give" which was joined by pupils from Šiauliai City schools for the creation of situations and mottos revealing a negative approach towards corruption;

in co-operation with the Lithuanian School Student Union the poem competition "Lithuania Free from Corruption" for pupils. Winners of the competition were awarded at the event organised to commemorate the International Anti-Corruption Day in the Government's Office;

in collaboration with teachers commemorative events in a number of schools and gymnasias;
 competition of anti-corruption essays and drawings in 6 regional schools;

in co-operation with the Department of Public Administration of the Faculty of Social Sciences of Šiauliai University a round-table discussion "Anti-Corruption Policy and Initiatives: National and Local Level";

participation in the discussion of professors and students "Corruption in Medicine" in the Faculty of Health Care of Šiauliai State College and in the scientific conference "Unveiling of Corruption" in Klaipėda Business School;

at the STT's initiative the conference in Mykolas Romeris University on the investigative documentary *Afghanistan: on the Dollar Trail* disclosing the damages of corruption. The view of the film was followed by the discussion among the representatives of STT and Transparency International, Lithuanian Chapter.

exhibition of anti-corruption posters created by pupils from Kaunas general education schools in the Prime Minister's Office and in the Seimas (Parliament) of the Republic of Lithuania in order to draw public servants' and politicians attention to the issue of corruption and encourage discussions;

In 2012, the STT officers in collaboration with the Lithuanian National Group in Vilnius of the European Law Students' Association (further – ELSA) organised the conference discussion "Corruption: between the Habit and Crime" in Vilnius University

The STT took an active part in the event *I will be a Honest Lawyer* organised by the students from ELSA chapters, universities and colleges. The participants of this anti-corruption event spoke for the lawyer's honesty, distributed stickers "I will be an Honest Lawyer", "I will be an Honest Bailiff", "I will be an Honest Prosecutor", "I will be an Honest Judge", "I will be an Honest Attorney", "I will be an Honest Customs Officer", "I will be an Honest Notary" and "I am an Honest Man". The STT officers participated in 4 discussions on the significance of transparency and honesty for the lawyer held by students.

Public awareness raising and dissemination of anti-corruption information

With a view to disseminating the information on the STT activities, anti-corruption highlights have been regularly published on the STT Internet site www.stt.lt, global social website *Facebook* www.facebook.com/LRSTT and have been disseminated among the media.

In 2012, the STT disseminated 230 press releases, participated in radio and TV programmes 28 times and provided comments on the on-going per-trial investigations and anti-corruption events for different TV channels).

The STT in collaboration with the Lithuanian Union of Journalists and National Association of Journalists arranged a traditional competition for journalists "Media against Corruption 2012".

INTERNATIONAL CO-OPERATION

Participation in the activities of international organisations

STT takes part in the activities of the following international organisations:

Council of Europe's Group of States against Corruption (GRECO)	During 2012, an STT representative took part in GRECO's 54, 55 and 56 plenary sessions which examined and adopted 19 country reports. The STT representative acted as a rapporteur in the compliance procedure under the third evaluation round of the Former Yugoslav Republic of Macedonia.
United Nations Convention against Corruption Implementation Review Mechanism	2 STT officials are members of the working group in charge of collecting information under the United Nations Convention against Corruption. During 2012, STT submitted its comments with regard to the assessment made by the Russian and Egyptian experts on the Lithuanian progress under UNCAC Chapter III "Criminalisation and law enforcement" and Chapter IV "International Co-operation".
Anti-Corruption Network of the Organisation for Economic Co-operation and Development	In 2012, STT representatives took part in three events: ACN 13 th Steering Group meeting which discussed the work programme proposal for 2013-2015; expert seminar on criminal prosecution for corruption during which an STT representative made a presentation on asset recovery; high-level meeting which discussed priority areas of co-operation.
OLAF (Office Européen de Lutte Anti-Fraud) Anti-Fraud Communicators Network (European Anti-Fraud Office)	During 2012 STT representatives took part in two meeting which discussed the opportunities and prospects for co-operation between the network, individual members of the network and non-governmental organisations as well as to seek a closer co-operation with investigative journalists.
European Union Border Assistance Mission to Moldova and Ukraine (EUBAM)	In 2012, STT representatives took part in two youth education events in Chisinau (Moldova) and Odessa (Ukraine) where they presented STT activities and discussed the matters of corruption prevention and anti-corruption education.
European Partners against Corruption (EPAC) and European Contact-Point Network against Corruption (EACN)	Pursuant to Seimas Resolution No. XI-657 of 19 January 2010, STT was appointed as a member of the European Contact-Point Network against Corruption. However, due to financial restrictions STT could not be an active member of the network in 2012.

Co-operation with Anti-Corruption Bodies of other states

During 2012, STT co-operation with:

Corruption Prevention and Combating Bureau (KNAB) of the Republic of Latvia	On 14 November 2012 in Riga, Republic of Lithuania, STT signed an updated agreement on co-operation with KNAB in the fields of criminal prosecution, corruption prevention and anticorruption education.
National Anti-Corruption Centre of the Republic of Moldova (CCCEC)	On 5 June 2012, in Chisinau (Republic of Moldova) STT signed a co-operation agreement on the exchange of information and experience on corruption prevention and related area.
Central Anti-Corruption Bureau of the Republic of Poland (CBA)	On 4 December 2012, STT signed an agreement with the European Commission and Poland's Central Anti-Corruption Bureau (CBA) on the participation in project financed by the European Commission's Programme of Prevention and Fight Against Crime (ISEC), "Rising of Anti-Corruption Training System".

On 24 August 2012, STT organised a joint agreement between the Estonian Security Police, Latvian KNAB and Polish CBA on the issues of co-operation in the area of corruption investigation.

Participation in Anti-Corruption Events

During 2012, STT participants took part in the following events:

- an international conference of investigation of corruption offices in Bucharest, Republic of Romania;
- a conference on the liability of legal persons for corruption offences, organised by the European Commission and the Polish Institute of International Affairs in Warsaw, Republic of Poland;
- an international conference on anti-corruption issues organised by the George C. Marshall Center and the International Institute for Democracy and Electoral Security in Garmisch, Germany;
- an exhibition of police equipment (GPEC) in Germany;
- an international conference on liability of legal entities for corruption offences organised by KNAB in Riga, Republic of Latvia;
- an international conference of the issues of corruption prevention in Tampere, Finland.

IMPLEMENTATION OF STRATEGIC OBJECTIVE AND PROGRAMME GOALS

STT uses assessment criteria based on effect, result and product. They are developed as follows:

under a hierarchical principle: effect-based assessment criteria of effect assess implementation of the strategic objective; result-based assessment criteria assess implementation of the programme goals; and product-based assessment criteria assess implementation of the programme goals;

by type: quantitative criteria measure what can be calculated (statistical or institutional data), qualitative criteria show the qualitative characteristics of operation (findings of assessment and/or analysis, social research).

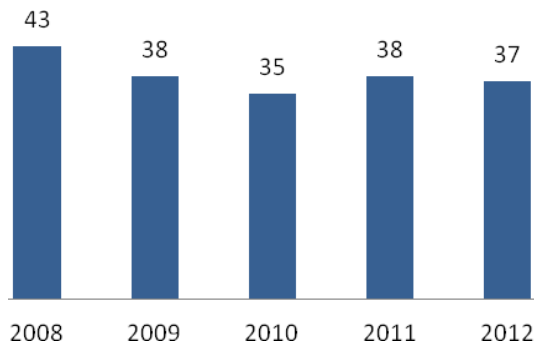
Implementation of STT strategic objective "Reduction and Control of Corruption in the State"

Table 6. Criteria of effect-based assessment of implementation of a strategic objective

Code of assessment criterion	Name of assessment criterion	Unit of measurement of assessment criterion	Anticipated value of assessment criterion (2012)	Result of 2012
E-01-01	Increasing trust in STT ² : the average annual increase in the number of people trusting in STT should account at least for 2 per cent.	Per cent	39	37
E-01-02	Findings of the Transparency International Corruption Perception Index: maintaining and gradually improving the 5.0 score threshold dividing the countries into those which are capable to curb corruption and those which face serious corruption problems.	Score	5.6	54
E-01-03	Crime indicators: fewer crimes registered by the Information and Communications Department under the Ministry of the Interior.	Number	880	1223
E-01-04	Findings of the survey "Corruption Map": more people thinking that corruption decreased during the last five years.	Per cent	-	-

Trust is a precondition and result of successful co-operation. The lack of trust leads to public disintegration and overall trust encourages apathy and diminishing control. The service may be effective only when it takes into consideration public opinion, actively co-operates with the public and is placed under its scrutiny. The service needs not only trust but also active civic participation prompting STT to change.

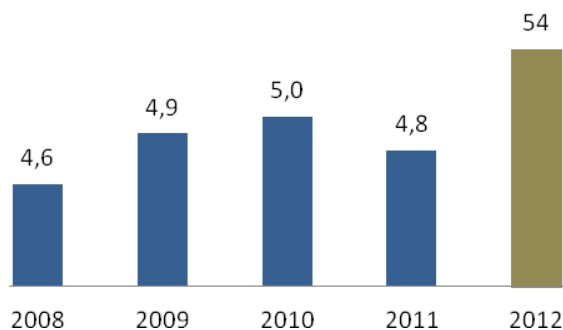
² Data of the market and public opinion survey company *Baltijos tyrimai*.

Fig. 44. **Changes in trust in STT** (per cent)

Trust as a social fact is a reality created by people which depends not only on STT's performance results but also on many other objective and subjective results: social survey participants' values, opinion, experience, mass media coverage, etc. The analysis of data of several years shows that trust in STT has not changed significantly (the average is 38 per cent). One of the reasons is limited financial resources which STT could spend on anti-corruption education and information (e.g. social campaigns, events, etc.)

Social surveys are used to assess the spreading of corruption. However, quite often they reveal only a subjective opinion of persons whose experience, perception and situational assessment differ. Social surveys show perception of corruption rather than a real situation. Yet perception is important because it reveals public concern with the problem of corruption and its relevance as compared to other social problems.

During 2012, Lithuania obtained 54 scores out of 100 and ranked 48 out of 176 (in 2011, Lithuania was 50th out of 183 states). Latvia scored 49 and ranked 54, Estonia scored 64 and ranked 32, whereas Poland scored 58 and came 41.

Fig. 45. **Changes in Corruption Perception Index³** (scores)

During 2012, Corruption Perception Index was developed following an updated methodology. Therefore it is not possible to compare anticipated and achieved (factual) indicators. However, one can conclude that corruption is a very important problem to society and its relevance stays almost unchanged. The results achieved can be assessed positively because Lithuania has overstepped the threshold of 50 scores which means that it is able to curb corruption as opposed to the states facing serious corruption issues.

Traditionally the spread of corruption is also measured by using statistical indicators revealing particular features of the process under review, its trends and developments. Crime statistics is a traditional tool used in assessing the state of crime. However it is not ideal in measuring corruption because this phenomenon is latent. Crime statistics only include data on registered crimes, yet the actual number of such crimes remains unknown. Moreover, crime indicators change due to a variety of reasons: for instance, active role play by law enforcement, public intolerance of corruption and its willingness to report about concrete cases of corruption. Therefore, the status of registered criminal offences, their dynamics and structure can also reveal respective indicators of this latent crime.

³ Corruption is assessed by experts and business leaders residing in the countries under review and abroad. The Lithuanian Chapter of Transparency International states that Lithuanian CPI 2012 is based on seven sources 1. Bertelsmann Foundation. Bertelsmann Transformation Index; 2. Economist Intelligence Unit. Country Risk Ratings; 3. Freedom House Nations in Transit 2012; 4. IMD International, Switzerland, World Competitiveness Center. IMD World Competitiveness Yearbook 2012; 5. World Economic Forum Executive Opinion Survey 2012; 6. Global Insight Country Risk Ratings; 7. Political Risk Services International Country Risk Guide.

Fig. 46. **Changes in the number of corruption offences registered by ICD⁴**



During 2012, the Information and Communications Department under the Ministry of the Interior (ICD) registered a bigger number of corruption offences. However it is not indicative of the real life situation. It can be assessed as twofold: on the other hand, the spread of corruption could have increased yet this number could have augmented due to more active measures undertaken by STT and other law enforcement agencies.

Another frequently used method to research crime, and corruption offences in particular, is social (victimological) surveys. This method is among the most effective mechanism of corruption control and prevention offering data about latent crime. It complements official criminal statistics about crime situation where a major role is played by law enforcement bodies. Findings of social surveys can help determine institutional and geographical changes of the spread of corruption, identify the hot spots of corruption as seen by the general public, etc.

Fig. 47. **Changes in the number of persons who think that corruption diminished in the last 5 years (per cent)**



STT conducts a survey every two-three years (taking into account its financial resources). During 2012, STT was unable to perform the survey and therefore only the data of 2011 are provided.

In 2011, findings of the social survey "Map of Corruption" showed that 10 per cent of residents, 19 per cent of businessmen and 22 per cent of civil servants thought that the scope of corruption dropped (the average is 17 per cent).

In 2008, the percentage of people who thought this way accounted for 5 per cent of residents, 16 per cent of businessmen and 13 per cent of civil servants (the average is 11 per cent). This means that in 2011, the number of people who thought that the scope of corruption reduced over the last five years went down grew by six per cent.

⁴ Provided for in Criminal Code Article 225 (Bribery), 227 (Graft), 228 (Abuse of Office).

Implementation of STT programme goals

Table 7. **Criteria for the assessment of the implementation of the STT programme objectives**

Code of assessment criterion	Name of assessment criterion	Unit of measurement of the assessment criterion	Planned weight of assessment criterion (2012)	Result for 2011	Result for 2012
CRIMINAL PROSECUTION					
Assessment criteria specified in the STT Strategic Activity Plan for 2012-2014					
R-01-04-02-01	Increase of the number of persons reporting on corruption-related criminal acts, compared to the last three year average	Units	30	28	38
R-01-04-02-02	Higher number of pre-trial investigations completed by drawing up of an indictment, issuing a statement regarding the consideration of the case in accordance with accelerated procedure or drawing up a statement regarding the completion of proceedings by a penal order of court, compared to the last three year average	Units	46	45	46
P-01-04-02-01-01	Higher number of opened pre-trial investigations, compared to the last three year average	Units	82	81	92
P-01-04-02-01-02	Lower number of pre-trial investigations conducted longer than 9 months	Per cent	40	47	54
P-01-04-02-01-03	Higher number of detected corruption-related criminal acts, compared to the last three year average.	Units	510	473	490
Extra performance indicators (assessment criteria) proposed by experts in the area of criminal prosecution					
	Number of registered reports	Units	-	898	1310
	Number of filed reports on corruption-related criminal acts	Units	-	135	151
	Number of the examined reports	Units	-	796	1134
	Number of reports transferred to other institutions.	Units	-	244	364
	Number of persons made subject to criminal liability (a person is held criminally liable in the event that a court judgement of conviction has become final)	Units	-	34	51
PREVENTION OF CORRUPTION					
Assessment criteria specified in the STT strategic action plan of 2012-2014					
R-01-04-03-01	Findings of the social survey "Corruption Map" assessing experience of corruption: fewer persons who have given a bribe over the last five years	Per cent	34	38	-
R-01-04-03-02	Findings of the social survey "Corruption Map" assessing experience of corruption: a smaller index of demand of bribes	Scores	0,31	0,24	-
P-01-04-03-01-01	Number of corruption risk analysis in state or municipal bodies	Units	12	11	10
P-01-04-03-01-02	Number of anti-corruption assessment of legal acts or their drafts	Units	150	203	220
P-01-04-03-01-03	Number of screened persons holding or seeking to hold a position in a state or municipal body, seeking to obtain a permission to work with or gain access to classified information or obtain a personal credibility certificate to receive a state award	Units	5000	5160	7002
Additional performance assessment criteria suggested by experts in the corruption prevention field					

	Number of follow-up assessments of analysed system changes	Units	-	-	0
	Number of developed recommendations, including:	Units	-	-	603
	After performing corruption risk analysis in state or municipal bodies	Units	-	-	236
	After performing anti-corruption assessments of legal acts or their drafts	Units	-	-	367
	Number of adopted recommendations, including:	Units	-	-	119
	After performing corruption risk analysis in state or municipal bodies (legal acts provide for the duty of state or municipal bodies to submit information to STT about performance of corruption prevention measures provided for in the conclusion; however such bodies are not obliged to provide information about the results of such implementation)	Units	-	-	-
	After performing anti-corruption assessment of legal acts or their drafts (state bodies have not submitted information about implementation of 220 STT recommendations)	Units	-	-	119
ANTI-CORRUPTION AWARENESS RAISING AND INFORMATION					
Assessment criteria specified in the STT Strategic Activity Plan for 2012-2014					
R-01-04-04-01	Findings of the sociological research <i>Corruption Map</i> – a higher number of persons willing to be involved in anti-corruption activities	Per cent	28	23	-
R-01-04-04-02	Findings of the sociological research <i>Corruption Map</i> – a higher number of persons ready to report on corruption-related cases	Per cent	25	33	-
R-01-04-04-03	Findings of the sociological research <i>Corruption Map</i> – a higher number of persons who know where to report on a corruption-related case	Per cent	65	53	-
R-01-04-04-04	Lower number of anonymous notices, complaints and reports on violations of human rights and legitimate interests allegedly committed by acts, omissions or administrative decisions of public administration entities	Per cent	24	31	32
P-01-04-04-01-01	Number of anti-corruption lectures and seminars	Units	48	102	125
P-01-04-04-01-02	Number of anti-corruption events	Units	2	19	38
P-01-04-04-02-01	Number of anti-corruption press releases	Units	170	232	230
P-01-04-04-02-02	Number of anti-corruption publications	Units	10	13	12
P-01-04-04-02-03	Number of appearances in TV and radio programmes	Units	10	17	28
Extra performance indicators proposed by experts in the area of anti-corruption awareness raising					
	Number of persons by sectors who were delivered lectures	Units	-	about 3000	about 3120
	Number of state institutions that delegate their employees to these lectures	Units	-	-	145
	Number of visited educational institutions, of which:	Units	-	31	39
	General education schools (total number in Lithuania: 1245)	Units	-	26	19
	State and private higher education institutions (total number in Lithuania: 47)	Units	-	5	20
	Number of educational establishments that integrated the subject of anti-corruption ethics into their study programmes (only basic and secondary education schools must be subject to the implementation of methodical measures of anti-corruption education, of which:	Units	-	762	768
	General education schools	Units	-	745	745
	State and private higher education institutions	Units	-	17	23
	Number of co-operating private organisations	Units	-	2	4

Both international and national experts who had made the assessment of the STT performance suggested that not only statistical but also sociological indicators (performance indicators) should be used. The creation of performance indicators is based on the STT's attempts to strike a balance between qualitative and quantitative information, though limited financial resources do not allow the STT to conduct sociological resources on a yearly basis and receive information on the change in performance results from alternative information sources. Bearing in mind that the research findings enable to view the problem/situation from a broader perspective, the STT commissions sociological surveys every two or three years.

PRIORITIES FOR 2013

Having analysed the political, economic, social and cultural environment in the country, findings of social surveys and scientific research as well as seeking to engage in streamlined activities STT set the following priorities for criminal prosecution, prevention and anti-corruption education for 2013-2015:

- organisation, performance, control and supervision of public procurement (in the usage of state and budgetary funds as well as the European Union funds);
- provision of public and administrative functions, their monitoring and control.

While performing the activities according to the aforementioned priorities STT will pay more attention to the following fields of operation of state and municipal authorities: energy, municipal economy, waste management, environmental protection, construction, healthcare, science and education, development of transport infrastructure, law enforcement.

Acting Director Saulius Urbanavičius