

Anti-Corruption, the Swedish way

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First of all

TI: s index

- In Sweden the public has access to the authorities
- Sweden has also a long tradition of openness and control of civil servants
- I must stress that TI-index index is a perception index

If we want to look into the future we must also look into the past

- I have been working as a prosecutor within the field of economic and commercial crime since the eighties
- I have seen the development and the change of attitudes since then
- In Sweden we think that we hardly have no corruption at all
- That's not true but then we look into that part of the public official/sector that is transparent it seem like we have less corruption
- We should be aware of the fact that 15 years ago bribes were deductibles in Sweden



Enforcement is a combination of

- Resources
- Competence
- Integrity
- Organization

And of course

- Relevant/useful/ laws

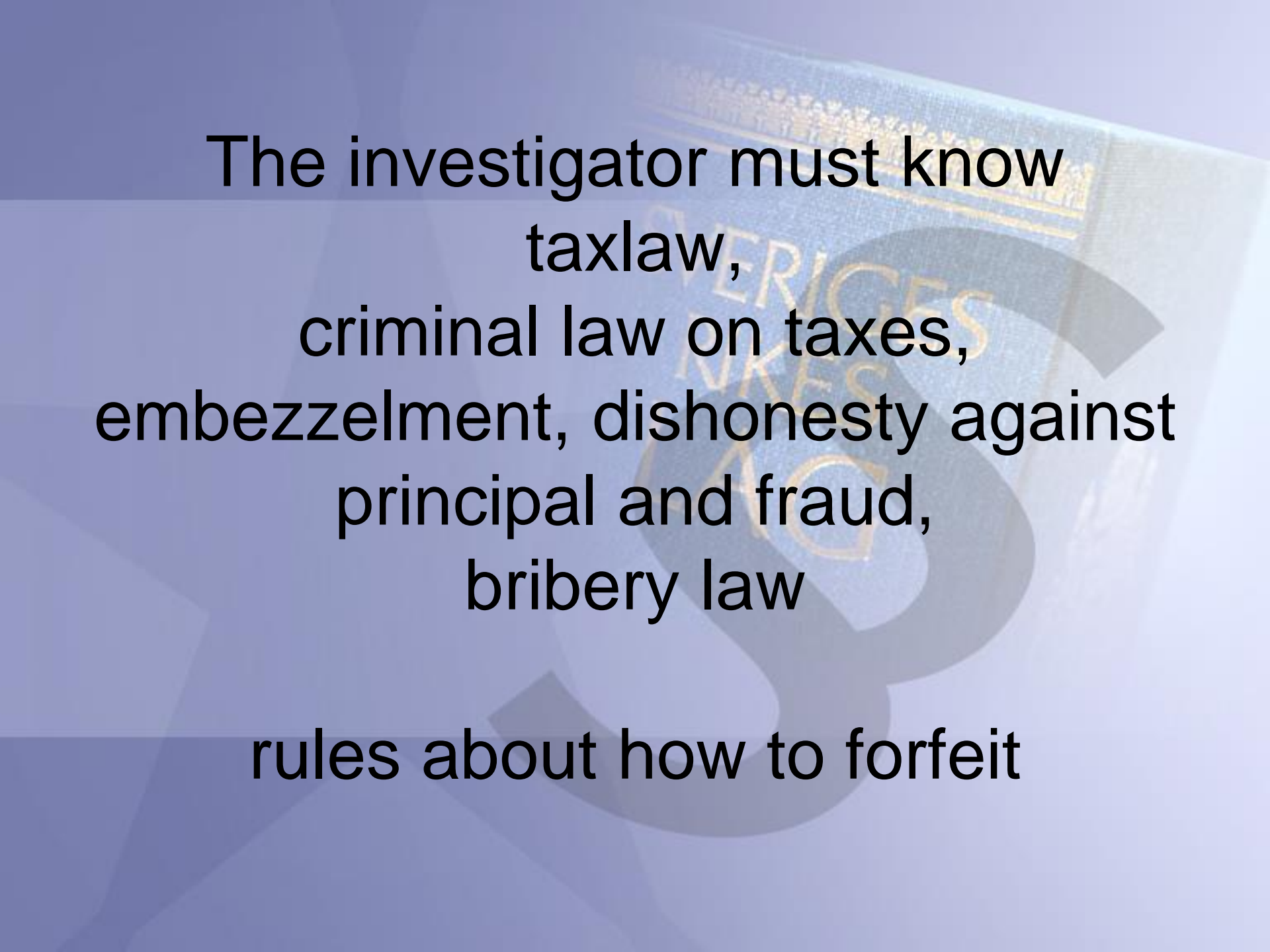
The National Unit Against Corruption

- The National Anti Corruption unit is a unit of the Swedish Prosecutor Authority
- The unit was established in 2003
- The unit
 - is headed by a Director of Public Prosecution
 - consists of eight Public Prosecutors in total, with national competence and jurisdiction
 - In the unit three specialised forensic accountants are supporting the prosecutors

The National Anti-Corruption Unit a part of the Prosecution Authority

The Public Prosecutors (senior) in the unit have a long experience of criminal investigations into

- financial crime
 - organised crime
 - international co-operation
- One big problem
It was not a joint venture with the police authority
The prosecutors were “asking” the local police for assistance



The investigator must know
taxlaw,
criminal law on taxes,
embezzlement, dishonesty against
principal and fraud,
bribery law

rules about how to forfeit



The National police was until 2011
opponents to create a special national
specialised police anti-corruption unit

But:

In 2010 the Chancellor of Justice
opened an investigation about the way
that Sweden had investigated the
SAAB/JAS affair.

OECD evolution August 2014

- Since Sweden's Phase 3 review in June 2012, Sweden has made significant progress on enforcing its offence of bribing a foreign public official. Of five ongoing cases, a conviction was recently obtained in one case and is now under appeal by the prosecution authorities regarding the level of the sentence. In addition, two investigations, one which is a major case in a high risk sector, and two preliminary investigations, are ongoing. The Working Group on Bribery (WGB) recognizes the efforts being made by Sweden to enforce its foreign bribery offence.

The Swedish legislation on corruption is traditional

- Improper influence upon decision-making and other processes in society, for example, free competition
- Aim of corruption: Either to 'grease' the machinery or disrupt its functions
- Not every influence is improper – marketing, customary gifts etc.

But since July 2012!!!

Trading with influence

- Subsidiary
- Only official practice and public procurement
- Requires objective prerequisite to exercise influence
- All positions during examination
- Not political influence by proxy

NEGLIGENT FINANCING OF BRIBERY

- The active or passive bribery crime must objectively been completed
- For example paying money through consultants or daughter companies in Sweden or abroad

But a board or managing director can get punished if they/he have been negligent

Information to the prosecutor

- Swedish National Audit office
- Swedish private accountants has to report suspicions of bribery
- Free press
- The public

AREAS, where to seek?

- Infrastructure
- Procurment
- Traditionally arms Industry
- Inside and outside Sweden

Attitude

- There is nothing that can be done about bribery – Bribery is a normal part of/way of doing business.
- Wrong: If not tolerated, it will be replaced by a culture of integrity.

Challenges in Sweden

- Lack of awareness

Challenges our own self-image; there is no corruption in Sweden and Swedes are not corrupt. What TI measure is perception and in reality it measure public administration.

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- Corporate Social Responsibility, CSR
 - Code of Conduct

My experience is

- We cant eliminate corruption only with enforcement
- The most important is prevention
- But we do need a combination of enforcement and prevention

To prevent corruption

- Openness is corruption's worst enemy.
 - The legislation about open access to the authorities' activities – The Principle of Public Access to Official Records
 - Free and independent media is one fundamental thing in the fight against corruption
- A correlation between free press and access to information, and a country's position on the "corruption list" set up by the Transparency International
- A National Network against corruption has been established

My conclusions

Prevention is a combination of

- Regulation and law
- Culture, i.e. Code of conduct