

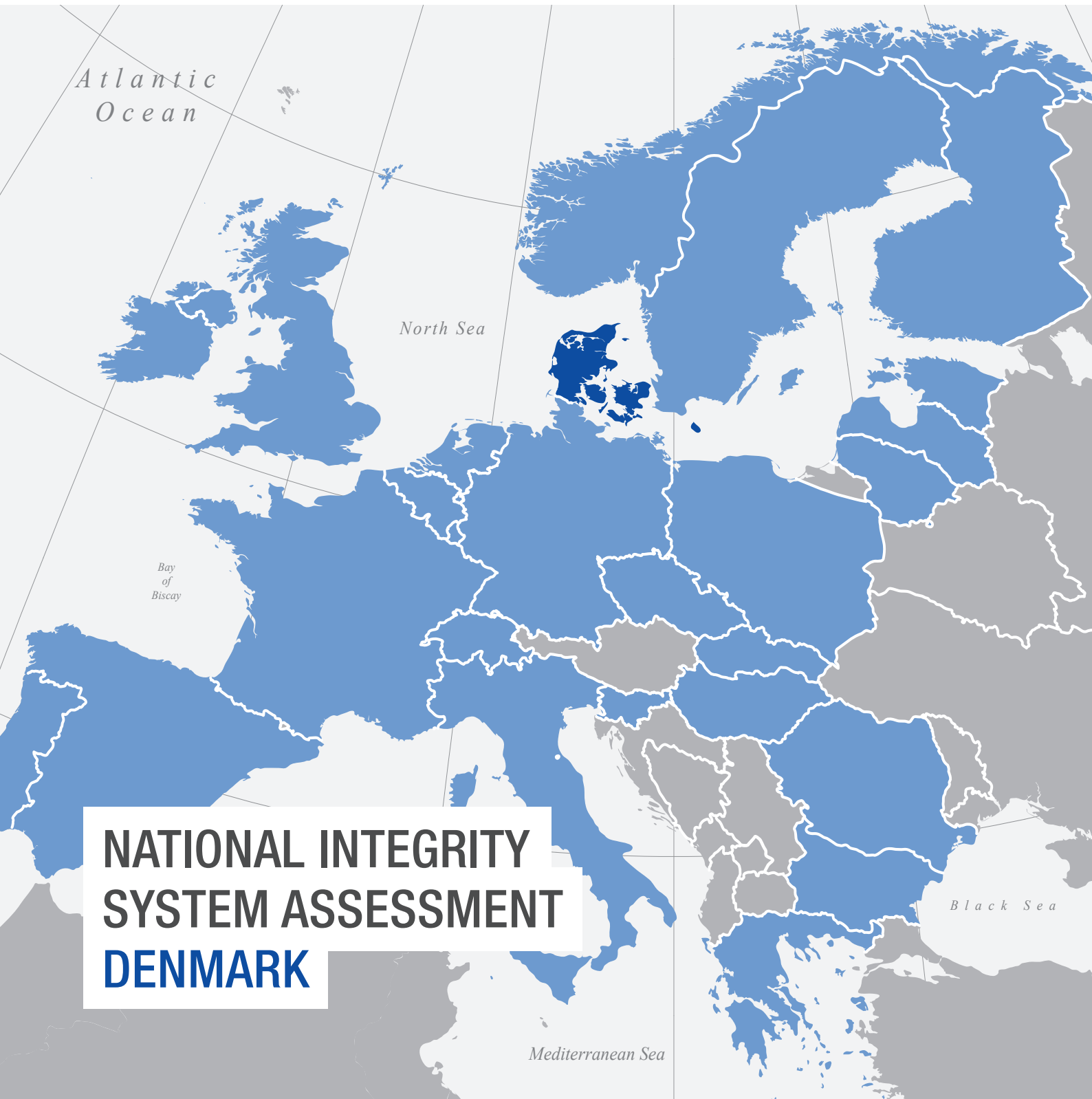
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National Integrity System Assessment Denmark

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**NATIONAL INTEGRITY
SYSTEM ASSESSMENT
DENMARK**

Transparency International (TI) is the global civil society organisation leading the fight against corruption. Through more than 90 chapters worldwide and an international secretariat in Berlin, TI raises awareness of the damaging effects of corruption and works with partners in government, business and civil society to develop and implement effective measures to tackle it.

Transparency International Denmark (TI-DK) is the Danish chapter of TI. We raise awareness of corruption; advocate legal reforms at the national and international levels; hold debates and draw attention to problems in the Danish integrity system.

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Executive Summary

This study of the Danish National Integrity System (NIS) assesses the legal basis and behavior of institutions in terms of their capacity to prevent corruption and maintain the integrity of the system. The report examines the extent to which Danish institutions function as intended and whether Denmark has an effective strategy for fighting corruption. To assess the degree of institutional strength, the evaluation also assesses the economic, political and socio-cultural contexts in which these institutions operate. This study of institutions and their contexts thus provides an overall picture of the Danish national integrity system and its capacity to prevent corruption.

This study does not offer a detailed analysis of either institutions or pillars. Rather, it presents a general assessment of the overall anti-corruption potential of the system, as well as describing interaction between the pillars in order to assess the robustness of the integrity system, as well as its strengths and weaknesses. In this way, the study can highlight why some pillars are more robust than others and how they affect each other. A key assumption behind the NIS method is that weaknesses in one institution lead to serious deficiencies in the entire system.

The study method, developed by the Transparency International Secretariat in Berlin, is based on quantitative and qualitative data collected through secondary data in the form of research articles, reports and national and international studies and surveys. The NIS Study was conducted during the period from January to August 2011, and thus includes relevant literature published up to August 2011. In addition to relevant research and secondary literature, the study also conducted in-depth interviews with two to five individuals during the preparation of each pillar report (minimum one person working within the institutions themselves and one outsider). Each pillar report has been validated by the informants as well as discussed and validated by the TI Secretariat in Berlin, TI DK's board, the associated advisory group and an external reviewer.

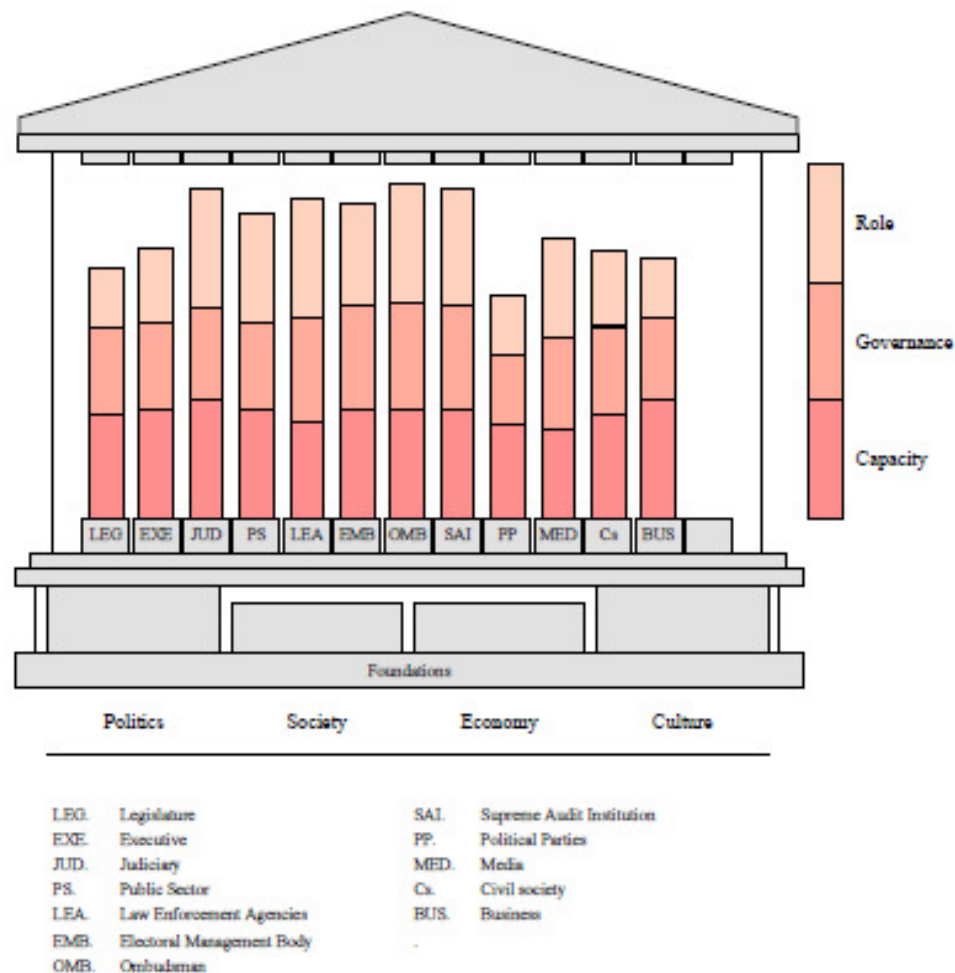
The overall conclusion of this study is that the Danish national integrity system is 'healthy'. This is largely due to a strong culture of public administration. Danish institutions have relatively few formal rules of integrity and anticorruption. Despite the low degree of formalization, there is a strong practice of integrity. The problem is that if the administrative culture is weakened, there are few rules to fall back on, which can make the system vulnerable. The system is worth protecting, and therefore, we should pay extra attention to weak or vulnerable points in the system. This study has identified several weak points: access to documents, officials afraid to use their right to inform, lack of clarity regarding complementary entertainment gifts as well as lack of transparency in the financial interests of MPs and financing of political parties.

Corruption is not considered a major problem in Denmark, and it is therefore not a theme that looms large in the public debate. Therefore, anti-corruption is not a major topic on the political agenda. This could be a potential weakness but it is not in practice. There are few examples of outright corruption cases in Denmark. Denmark is perceived both by Danes and abroad as one of the world's least corrupt countries.¹ Bribes and speed payments for accessing public benefits and services are almost non-existent, and the Danes generally perceive the Danish institutions and officials as not corrupt. However, there have been several cases in the Danish media in recent years in which top officials and ministers have received trips, concerts and dinners given to them by private contractors. The study finds that the boundary between punitive action and receiving attractive gifts and other benefits, primarily in the form of complementary entertainment, is hard to define. There is no (published) case law regarding administrative practice and the (published) criminal justice is very limited and typically lies in the direct exchange of performance and compensation. The study therefore concludes that there is a general need for institution-specific clarification and information to public officials in particular on the reception of complementary gifts of entertainment.

The Foundation of NIS

The NIS 'temple' below illustrates that the Danish integrity system is solid. Denmark is a prosperous country and has a very inclusive political culture. Denmark has traditionally also been an open and tolerant country. In recent years, however, a heated debate has developed in Denmark about the relationship between ethnic Danes and immigrants, or descendants of immigrants of Muslim background, a debate which is undermining the Danish consensus model. There has also occurred an increasing economic marginalization of certain populations. There is still a very high degree of social cohesion in Denmark, but the increased inequality and consequent social exclusion could eventually threaten the otherwise strong cohesion of Danish society.

National Integrity System



The Strengths and Weaknesses of the Integrity System

The pillars of the NIS temple are generally strong, and no pillars are assessed to be truly weak. They all have sufficient - if not an abundance - of financial and human resources. The surveyed institutions are effective in their work and they are basically open and transparent and accountable to citizens. The various law-enforcement institutions are considered to be very strong. Police and prosecutors and courts are effective institutions that enjoy high public confidence, and these institutions are in practice independent of the legislature and the executive. Other institutions, such as the National Audit Office and the Parliamentary Ombudsman, which help control the legislature and the executive, are also assessed to be functioning effectively, having scored highly in the dimensions of capacity, governance and role.

The media plays a very central role. Many cases of suspected fraud start in the media, and are subsequently taken up by the National Audit Office, the Parliamentary Ombudsman or the Fraud Squad. It is therefore a very important part of the Danish integrity system that the media is considered to be effective and generally apolitical in their work. The media was repeatedly cited, both in the literature and by the informants, as the decisive actor in the integrity system. However, it is noteworthy that the media pillar in this study is assessed as one of the weakest pillars of the NIS temple. According to TI's Corruption Barometer 2010, the media is also considered as the second most corrupt institution in Denmark – surpassed only by the respective political parties and the private sector, which share first place. This indicates that the media do not enjoy full

public confidence, which contrasts with the central role of the media as watchdogs. A weakening of this role can potentially weaken the overall integrity system. There is reason to take people's distrust of the media seriously. The distrust may be due to the emergence of a mutual dependence between the media and the political elite. Such dependence weakens the media's role as watchdog.

All public institutions, as well as some private companies, have a very high degree of transparency in their work. There is easy access to information about the institutions. The institutions have updated websites presenting extensive amounts of information. The Danish integrity system is thus characterized by a high degree of transparency. There are, however, some gaps in this transparency as concerns political parties and MPs financial interests and public access in sensitive cases

One of the biggest weaknesses of the Danish integrity system is the political parties. Denmark has significantly less transparency about private contributions to the Danish political parties and their parliamentary candidates than other countries with which Denmark is normally compared. Legislation in this area appears inadequate and allows several possibilities to evade requirements of making contributions public. As a point of departure, all private donations to the political parties which exceed DKK 20,000 (USD 3608,41) must be made public, but there are various possibilities to remain anonymous: the contributors can donate through foundations or they can choose to remain anonymous if they donate less than DKK 20,000 (USD 3608,41) to one or more local party organizations. In addition, private funding of individual candidates to parliament and party members is not regulated by anything other than tax regulations.² In other words, there are no obligations in terms of financial reporting or transparency as concerns the individual candidate.

Transparency is also inadequate as concerns access to information in the public sector. The law exempts a wide range of documents from public access and in practice there is an administrative culture where the exemption provisions can be misused so as to deny legitimate public access and where deadlines for releasing or disclosing documents are not respected. This is a management problem, because habits among public servants can make them reluctant to disclose what they perceive as sensitive cases, perhaps for fear of doing something wrong. It is assessed that although the regulations about the state's obligations and right to inform are sufficient, they do not function optimally in practice. It is a major weakness in the integrity system if the public- and private-sector executives do not send an unambiguous signal to their employees that they have the obligation to inform the public.

The tradition of involving civil society organisations and stakeholders contributing to legislative work has been undermined by the very short consultation periods granted for discussing draft legislation. This weakens the organizations' and ultimately the public's opportunities to exercise influence and control over parliament. Meanwhile, a longer period of majority government, or the de facto majority government that Denmark has had the past 10 years has meant that political scandals have not been investigated by study commissions, and that many cases do not have any consequences for the ministers involved. This weakens the role of parliament in government.

Non-state actors such as the media, civil society organisations and the private sector have generally received low ratings in terms of their role as anti-corruption watchdogs. In practice, however, this is hardly a weakness. Rather, it reflects the fact that corruption and anti-corruption occupy a relatively small place in the public debate.

The evaluation has found a number of weaknesses in the Danish integrity system which is worth addressing in order to maintain and enhance the viability of the system.

Recommendations

In light of the findings of the evaluation, TI Denmark will work to bring about the following recommendations:

1. Compulsory registration of MPs supplementary positions and economic interests

At the moment, there are no special rules which make it possible to control whether members of parliament behave in an ethical, responsible manner. The absence of codes of conduct, a registry of lobbyists or special regulations governing conflict of interest make it especially important that the public have access to information about the MPs' additional posts on boards and committees and their financial interests, so that the voters can determine whether or not the MP is acting in their own

personal interest. This study thus recommends that it be made compulsory for all members of parliament to make public their additional posts and financial interests in publicly accessible registry.

2. Increased transparency of private party funding

It is recommended that precise rules be elaborated for political party financing so that transparency can be assured. These recommendations should follow the GRECO guidelines. TI Denmark will therefore work for guidelines that ensure the indication of precise contributed amounts to political parties; more transparency concerning financial contributions to individual candidates; precise guidelines for calculating the monetary value of donations made in the form of goods and services, which must appear in the parties' financial accounts; and rules which can ensure an increase of transparency in campaign contributions.

3. Protection and advising whistleblowers

TI Denmark will work for the establishment of an advisory institution where both private and public employees can obtain advice and counseling as whistleblower. It is critical that such an institution cover both the private as well as the public sectors, and that it enables potential whistleblowers to breach existing confidentiality and loyalty obligations without being penalized as part of the necessary documentation of their case.

4. Revision of both law and practice regarding access to information in the public sector.

The rules concerning access to information are regulated primarily through the law on public access, and there exists a significant need for the modernization of this law and related legislation. TI Denmark will work for a reduction in the 'exceptional case' provisions for access to documents. Here it must be ensured that the final professional assessments that are part of the administrative services to the ministries are not excepted. Furthermore, the exemption from access to documents which is elaborated and exchanged between ministers and MPs in connection with cases of legislation or similar political processes should be eliminated. It should be emphasized that the rules concerning duty to registration and access to information should be valid for everyone, including spin doctors and other special advisors. Furthermore, the mail lists should be made compulsory. Finally, initiatives should be taken to enhance the culture of administration in dealing with cases of information access. In this connection, a critical review should be undertaken of the unreasonably long time taken to process complaints in this area.

5. Clarification and transparency on acceptance of gifts

There has been identified a need for more institution-specific guidelines around gray zones for the receipt of gifts and for more openness in this area. TI Denmark will work so that gift lists for top officials (e.g. heads of offices and above) are registered and made public, similar to the gift lists already elaborated for ministers. Such lists should contain information about expenses for representation, travel expenses, gifts received, official representative tasks and activities for the coming month.

6. Increased involvement of civil society organizations

TI Denmark will work to continue the tradition of including civil society organisations by setting out a minimum time frame of at least four weeks for interest organizations to make public responses to government initiatives. In addition, it is specifically recommended that the parliament include the civil society organisations in their further work with the initiatives and problems that have been discussed in this report, and more generally, in the efforts taking place more broadly and internationally in connection with the anti-corruption work, in which Danish decision-makers and business leaders are participating.

¹ Transparency International's Corruption Perception Index.

² Group of States Against Corruption (GRECO): Evaluation Report on Denmark on Transparency of Party Funding, Third Evaluation Round, 2009, samt interviews med Roger Buch og Jørgen Elkjær.