

## 5.1. Corruption Offences

In 2011, 196 corruption offences<sup>1</sup> were registered which is 12% less than in 2010 and 3% less in comparison with 2009.

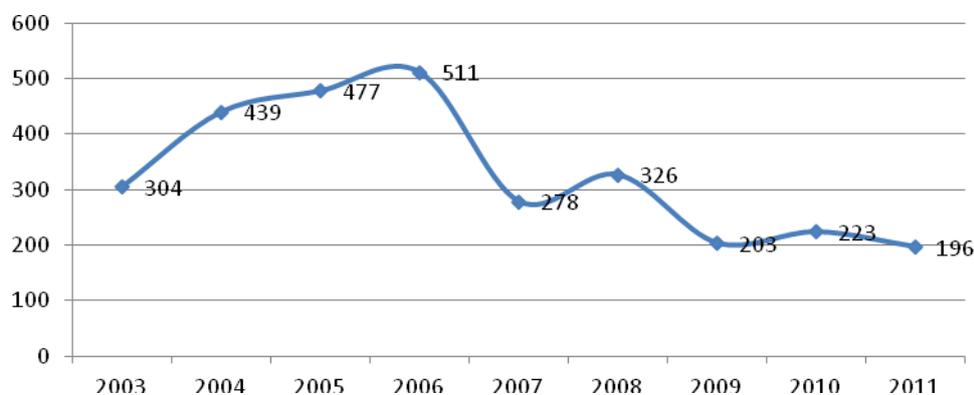


Figure 1. Number of registered corruption offences in 2003–2011

The offences of giving bribes (22%) and accepting bribes (17%) form the biggest proportion of corruption offences. Just like earlier, abuse of authority forms a large proportion (16%) of the corruption offences but it is not considered as a classical corruption offence in this chapter.

Changes in registered offences primarily took place in connection with accepting bribes (+12) and giving bribes (-14). 50% less offences (-10) of accepting of gratuities and arranging bribes were registered. The number of influence peddling offences increased from 4 to 10.

Based on the above-mentioned numbers, it is difficult to make any conclusions concerning the level of corruption because the same persons and events are involved in case of some offences. The registered offences also include offences which were contained in the list of criminal offences that were registered already in 2010 but the contents of which have been extended or clarified. It has to be also taken into consideration that this is a type of latent crime, the registration of which primarily depends on the activities of bodies conducting proceedings.

According to the Eurobarometer corruption survey which was published in 2012, Estonian inhabitants have had just as many contacts with corruption as before.<sup>2</sup> 5% of people claimed that they had been in direct contact with corruption during the last 12 months.<sup>3</sup>

### 5.1.1. Penal Practice

46 natural persons and 3 legal persons<sup>4</sup> were convicted of corruption offences with judgements that entered into force; 3 natural persons were acquitted. Imprisonment was imposed on 40 persons and pecuniary punishment on 9 persons.

The highest number of people was convicted of giving bribe (20). 8 persons were convicted of accepting bribes and 6 persons both of granting and accepting gratuities by an official. The number of people convicted of other offences was lower.

20 persons were convicted of giving, arranging a receipt or accepting bribes or gratuities in the following spheres of activity: customs inspectors, the Police and Border Guard Board, the

<sup>1</sup> Sections 201 (2) 3 – embezzlement by an official; 209 (2) 1<sup>1</sup> – fraud by an official; 289–300<sup>2</sup> – offences involving gratuities and bribes, influence peddling, violation of requirements for public procurement, violation of procedural restrictions, etc.

<sup>2</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/12/135&format=HTML&aged=0&language=EN&guiLanguage=en>.

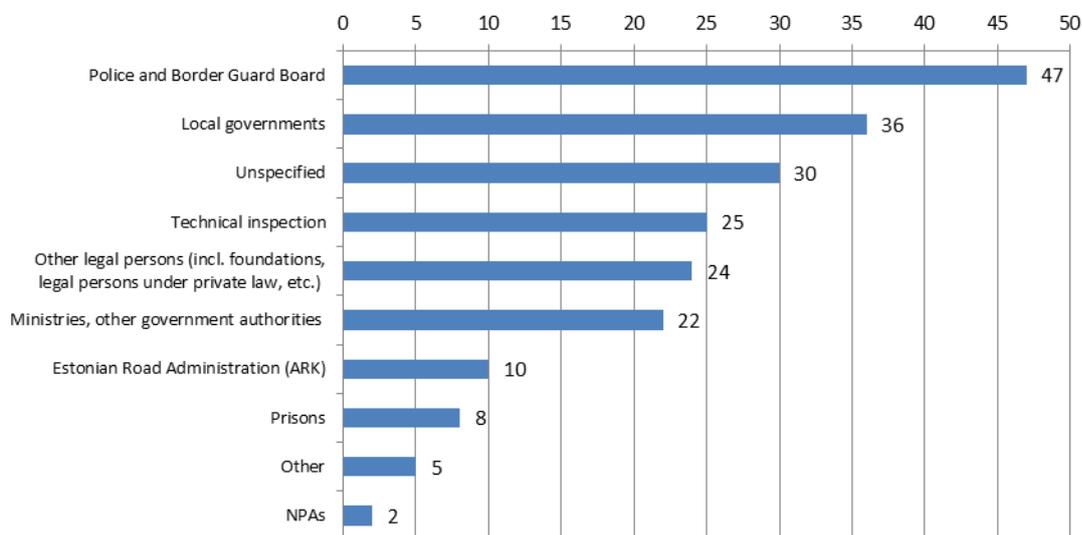
<sup>3</sup> The following question was asked: “Over the last 12 months, has anyone in Estonia asked you, or expected you, to pay a bribe for his or her services?”

<sup>4</sup> Including two persons who were convicted on the basis of two sections.

Municipal Police, taxation officials, prison guards. While the prison incidents were related to the wish to deliver money or cigarettes into the prison, the police officials were offered money mainly for not preparing the report on driving in a state of intoxication but in one case also in order to forward the information and to prevent the proceedings.

### 5.1.2. Corruption Offences by Sectors

The highest number of offences was registered in connection with the Police and Border Guard Board (47) and local governments (35). As these numbers also include abuse of authority, this affects the number of cases that are related to the Police and Border Guard Board. In 2010, the highest number of corruption cases was registered in connection with local governments, legal persons under private law and the police. In 2009, the number of registered cases was higher in case of the police, local governments and roadworthiness tests. However, it has to be kept in mind that these numbers also contain the offences which were not committed by representatives of the institutions in question; for example, if a police officer was offered a gratuity for not starting a misdemeanour proceedings but the gratuity was not accepted, this is still reflected on the Police and Border Guard Board line.



**Figure 2.** Corruption offences by sectors in 2011 (number of registered criminal offences)<sup>5</sup>

The sectors where the highest number of corruption offences was registered in 2011 are presented below.

#### Police

47 corruption offences involving the Police and Border Guard Board were registered, including 17 offences of abuse of authority. Abuse of authority is unlawful use of violence by an official. Among the remaining offences, 13 were related to accepting bribes or gratuities and just as many offences related to accepting bribes were also registered (i.e. offences where the suspect is not a police official but the person who offered the money). Two offences of embezzlement, one offence of fraud and one offence involving counterfeiting or falsification of documents by an official were registered.

<sup>5</sup> The figure also contains the criminal offences concerning the abuse of trust (§ 217<sup>2</sup>) and the abuse of authority (§ 291).

## **Local Governments**

In 2011, 35 offences related to local governments were registered. 11 were related to officials, from which 4 involved the embezzlement that occurred in the Tartu City Government (Kund, 23.02.2012). One case concerned the official of Tallinn City Government who was convicted in 2012 and had accepted a gratuity from a company in order to fund his son's sports activities (Brinkmann, 2012). Another 10 offences were registered in connection with head of local government and 4 offences in connection with members of local government council. 5 offences were registered in connection with giving bribes or gratuities by natural or legal persons.

## **Technical inspection of vehicles**

In 2011, 25 offences were registered in which bribes were given or accepted for passing technical inspection of vehicles. As before, these are incidents where more than one offence is registered in case of one person; for example, 5 bribe cases were registered involving one technical inspection employee. 12 cases of accepting bribes and 6 cases of giving bribes were registered. 7 offences of arranging bribes were also registered where money is paid to a third person for the purpose of unlawful passing of a technical inspection and that person takes the vehicle to the inspection facility and pays the inspector for passing the test.

## **Ministries, other government authorities (including Estonian Road Administration, prisons)**

A total of 40 offences were registered in connection with ministries, government authorities and administered agencies from which 19 were offences involving bribes or gratuities.

One-fourth of the offences (10) were registered in connection with the Estonian Road Administration. These were mainly offences which were committed in 2007 and registered in 2011. These were cases that involved accepting or giving bribes or gratuities for passing the examination for the right to drive. 8 corruption offences were registered in prisons, from which 7 were offences of abuse of authority and one was a bribe offence.

### **5.1.3. Violations of Anti-Corruption Act**

62 misdemeanour cases were registered on the basis of the Anti-Corruption Act (ACA), which is over 50% less than in 2010. Two-thirds of these cases involved failure to submit the declaration of economic interests or submission of incomplete or false data. 19 misdemeanour cases were registered regarding violation of restrictions on employment, activity or procedure. The punishment for these misdemeanour cases is 300 fine units, i.e. EUR 1,200.

## **References:**

Brinkmann, K. (24.04.2012) Tallinlased maksid kinni Songisepa poja kardisõidud. Äripäev. <http://www.ap3.ee/article/2012/4/24/tallinlased-maksid-kinni-songisepa-pojakardisoidud>

Kund, O. (23.02.2012) Kohus tunnistas haridusjuhi ja koolidirektori Tartu linna vara omastamises süüdi. <http://www.tartupostimees.ee/783118/kohus-tunnistas-haridusjuhi-ja-koolidirektori-tartu-linna-vara-omastamises-suudi/>