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Law No. 175 of 2020 issued on May 8, 2020 on combating corruption in the public sector and establishing the National Anti- Corruption Commission

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Combating corruption in the public sector is a moral obligation which promotes integrity within the state and strengthens its governance. Lebanon has issued a new law to combat corruption in the public sector and established a National Anti-corruption commission to ensure that anti-corruption and integrity policies are being set within the State in a more coherent and impactful manner. The law on combating corruption in the

public sector focuses on several points some of which include: corruption crimes, procedures for investigation and prosecution of crimes of corruption, authority of the National Anti-corruption commission, and the importance of spreading awareness.

Definition of corruption

The law has defined corruption as an act of abuse of power related with regards to the general public's money, with the aim of achieving unlawful benefits whether individually or for others and both directly and indirectly; making it a crime.

Act of corruption crimes in the public sector includes:

- Improper implementation of a public person's obligations, or obtaining licenses from a public person for a private benefit if its occurrence is contrary to the law.
- Using public funds, state means and other public persons, contrary to law, for a private benefit.
- Buying or selling a movable or immovable property through information obtained not available to the public such as the issuance of new laws and regulations that could have an impact on the prices.
- Whoever commits any of the acts stipulated in this Article shall be punished with imprisonment from three months to three years and a fine ranging from two to three times the value of the expected or realized material benefit.

Special principles for investigation and prosecution of corruption crimes

Investigations and criminal prosecutions for corruption crimes can be carried out without the need to obtain any of the prior permits or licenses noted in the law whenever such prosecution has taken place at the request of the National Anti-Corruption Commission. Criminal prosecution for corruption offenses does not terminate in the event of resignation, dismissal or retirement from service, or the end of the period of public service.

The establishment of the National Anti-corruption commission

The National Anti-corruption commission is established with the aim of combatting, preventing and exposing corruption, and to implement relevant international agreements and treaties to which Lebanon is a party, and to perform the specific tasks entrusted to it defined in this and other laws.

The establishment of the National Anti-corruption commission serves as a moral entity as well as a financial and administrative autonomy. All members of the commission shall perform their duties independently of any other authority within the provisions of this law, in which its members are chosen based on their expertise and ethical reputation. However, no member shall be younger than 40 years old and he/she should not have been involved or had any political affiliation within the last 5 years. All members are absolutely prohibited to practice any activity which conflict with the interest of the commission.

The National Anti-Corruption Commission shall be constituted as follows:

- Two retired honorary judges;
- A lawyer shall be chosen out of the four names, two of which shall be nominated by the Beirut Bar Association and two from the Tripoli Bar Association;
- An accounting expert chosen from three names which have been nominated by the Lebanese Association for Certified Public Accountants;
- Financial and economic expert chosen out of three others nominated by the Banking Control Commission;
- An expert in Public Administration, Public Finance or Anti-Corruption affairs out of three names nominated by the Minister of State for Administrative Reform.

The Commission shall be entrusted with the following functions in accordance with the provisions of this Law:

Receive statements relating to corruption, investigate corruption crimes, study them and refer them, when necessary, to other relevant supervisory, disciplinary and judicial bodies.

Monitor corruption status, cost, causes, efforts to combat and prevent corruption in light of the laws in force, approved policies, binding bilateral and multilateral agreement, and develop special or periodic reports in these matters and publish them in the Official Gazette and on its website.

The commission may ask any Lebanese or foreign authority to provide it with documents or information it deems useful for the proper exercise of its tasks. The Lebanese authorities concerned must respond to the request without delay within the legal principles.

Efforts to spread awareness

The National Anti-Corruption Commission shall develop studies and research, issue reports, guides, and specialized publications in the area promoting integrity, anti-corruption and prevention, as well as create a database for all issued knowledge; all for the purpose of spreading awareness and shed light on the principles of transparency and accountability.

The National Anti-Corruption Commission shall also raise public opinion about the causes and consequences of corruption and ways to combat and prevent it from all available means, and setting up programs for education to promote integrity, especially through educational and media institutions, as well civil society organizations.

In order to ensure awareness is being spread across all generations of citizens, the Commission will be urging the Ministry of Education and Higher Education and other official and private public educational bodies to cooperate with the Commission to integrate in all education programs across the country the fields of integrity, anti-corruption and prevention through theoretical and practical subjects and develop materials and methods associated with those fields.

Finally, the commission will also be organizing conferences, seminars and training courses for the various official and private bodies in all internal matters within their competence.