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The United Nations Convention against Corruption
Safeguarding against Corruption
in Major Public Events

**LESSON 15: Detection of corruption and law
enforcement**



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- The Authority has no direct responsibility for law enforcement, but it has a duty to cooperate with law enforcement agencies in the detection, investigation and prosecution of acts of fraud and corruption.
- The Authority is also responsible for putting in place internal compliance mechanisms and procedures to receive, monitor and investigate complaints relating to alleged or suspected incidents of fraud or corruption.



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In this lesson, we will:

- ✓ Examine the responsibility of an Authority to set in place adequate mechanisms for detecting, receiving complaints, and monitoring and investigating incidents of alleged or suspected corruption or fraud;
- ✓ Examine the role a “compliance officer” can play in detecting and responding to incidents of corruption;
- ✓ Consider how to offer effective whistleblower protection;
- ✓ Consider the need for an Authority to cooperate closely with law enforcement authorities;
- ✓ Note the typical complexity of corruption investigations and some of the methods used in such investigations.



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UNCAC – Chapter III

“Chapter III of the Convention requires the criminalization, prosecution and sanction of corruption, including corruption in the private sector (articles 21-22). The effective enforcement of anti-corruption measures requires mechanisms to facilitate the reporting of corrupt behaviours, such as protection for whistle-blowers (article 33) and witnesses (article 32), and measures to encourage cooperation between national authorities and the private sector (article 39). Measures to criminalize the obstruction of justice (article 25) and to ensure that legal persons are held liable for acts of corruption (article 26) are also directly relevant.”



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Responsibility for compliance monitoring

(See the Corruption Prevention Checklist, *section 8.1*)

- Managers and supervisors throughout an organization in ensuring compliance with existing anti-corruption policies and in detecting and reporting apparent incidents of corruption.
- Effective supervision and checking practices are essential strategies for detecting corruption.
- Managers at all levels must be held accountable for the actions and work of their staff.



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Whistle-blowing and whistle-blower protection

(See the Corruption Prevention Checklist, section 8.2)

- An important means of identifying breaches of a code of conduct and potential incidents of corruption is therefore to introduce an effective system for reporting suspicions of breaches in general, and corruption in particular (whistle-blowing).
- Whistle-blowing, or public interest disclosure, must be encouraged in order to tackle corruption and misconduct.
- Agencies should have measures in place to facilitate the reporting by public officials or members of the public of acts of corruption, misconduct, or conflicts of interest that come to their attention (e.g., confidential phone lines).



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- Whistle-blowers are persons who allege, in good faith and on reasonable grounds, an infraction or an irregularity was committed, or acts as a witness in the investigation or prosecution of incidents of corruption.
- The Authority should have appropriate disclosure bodies that process the reports at the highest possible organizational level.
- There should be a process and procedures in place that maximize assurances of confidentiality when reporting alleged incidents of corruption, including hotlines, need-to-know information transfer procedures, and identity disclosure protections.
- Whistle-blowers must be protected against potential retaliation.



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Importance of whistle-blower reports

- In its latest (2012) Report to the Nations on Occupational Fraud Abuse, the Association of Certified Fraud Examiners (ACFE) revealed that 43% of all frauds were uncovered by individuals working within the organisation. The Association concluded that “providing individuals a means to report suspicious activity is a critical part of an anti-fraud program.”
- UNODC Resource Guide on the Law and Good Practices in the Protection of Reporting Persons
<http://www.unodc.org/unodc/en/corruption/publications.html>



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Group discussion



Can we list together some of the reasons why people may be reluctant to report suspected incidents of corruption?

How would it be in your own organization to “blow the whistle” on situation involving corruption?



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Cooperation with law enforcement

(See the Corruption Prevention Checklist, section 8.2)

- The Authority is not directly responsible for law enforcement, but it has a duty to cooperate with law enforcement agencies in the detection, investigation and prosecution of acts of fraud and corruption.



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Corruption investigation

- An Authority's internal capacity to thoroughly investigate and report on any alleged incident of corruption or misconduct on the part of officials and staff.
- The mission of the internal investigations unit is generally one of oversight, including the investigation of all incidents of alleged corruption.
- In some instances, they share this responsibility with other external agencies, such as a comptroller general office, a law enforcement agency, or an anti-corruption body.
- In all instances, the units have a responsibility to cooperate with law enforcement agencies.



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Key points to remember

- ✓ An Authority should have in place adequate mechanisms for detecting incidents of corruption, receiving complaints, and monitoring and investigating incidents of alleged or suspected corruption or fraud.
- ✓ A “compliance officer” can play an important role in detecting and responding to incidents of corruption.
- ✓ A whistle-blower is someone who alleges, in good faith and on reasonable grounds, that an infraction or irregularity has been committed or acts as a witness in the investigation or prosecution of incidents of corruption.
- ✓ A “reporting unit” or “whistle-blower unit” should be established by the Authority.