Conflicts of Interest and Asset Declarations

3rd intersessional meeting of the open-ended intergovernmental Working Group on Prevention

27 – 29 August 2012, Vienna
Conflicts of interest and UNCAC

• Key provision of UNCAC on Conflicts of Interest:
  - Article 7, paragraph 4

• Measures cited by States also provided evidence of good practices in relation to:
  - Article 8 (Codes of Conduct for Public Officials)
  - Article 9 (Public Procurement)
Conflicts of Interest – Written Standards

• Declaratory standards and values

• Application of prohibitions and restrictions to public officials
  – General Prohibitions
  – Prohibitions and restrictions relating to activities in the private sector
  – Restrictions on the solicitation or acceptance of gifts

• Specialised written standards for “high risk” areas
Implementation of Conflict of Interests Standards

• **Proactive measures** to resolve conflict of interests

• **Divestiture of assets** where potential conflicts are identified

• **Centralised bodies** for the enforcement of conflict of interests standards
Asset Declaration Requirements

- UNCAC Article 8, paragraph 5

- Diversity of practice amongst States as to who should declare and in relation to which assets

- Higher declaration requirements in “high risk” areas
Monitoring and review of Asset Declarations

- Wide use of centralised authority to enforce asset declaration requirements and assess completed declarations.
- Automated technology increasingly used for the submission and processing of asset declaration forms.
- Divergence of practice as to the public availability of asset declaration forms.
Potential Points for Discussion

- An area in which significant reforms in a number of States are taking place – A real opportunity for shared learning.

- Transferability of technological solutions to the submission and processing of Asset Declarations.

- The benefits and drawbacks of a centralised enforcement system in relation to both conflicts of interest and asset declarations.

- Proactive measures for the resolution of potential conflicts of interest before they arise.
Thank you

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Reporting Acts of Corruption

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UNCAC and the Reporting of acts of corruption

• Key provision of UNCAC on Reporting of acts of corruption:
  - Article 8, paragraph 4

• Measures cited by States also provided evidence of good practices in relation to:
  - Article 33 (Protection of Reporting Persons)
  - Article 10 (Public Reporting)
Categories of measures adopted by States Parties

- Imposition of legal obligation to report acts of corruption.
- Protection of individuals who report acts of corruption.
- Reporting mechanisms, training and other awareness-raising initiatives to facilitate reporting.
Imposition of legal obligations to report acts of corruption

• Different legal basis used for imposition of obligation by State Parties – Criminal v Civil

• General Obligation to report criminal acts v Specific duty to report acts of corruption.

• Duty generally applicable to a broad range of civil servants.
Protection of individuals who report suspected acts of corruption

• **Penalties** for those obstructing / intimidating reporting persons.

• **Anonymous reporting** of suspected acts of corruption.

• Also relevant to implementation of **Article 33 UNCAC**
Proactive measures to facilitate the reporting of acts of corruption

• Reporting mechanisms
  • Distinction between decentralised and centralised systems for the reporting of acts of corruption.
  • Some centralised bodies with advanced powers including investigation powers.
  • Hotlines the most commonly cited example of reporting tool.

• Training, publications and other awareness-raising activities
Potential Points for Discussion

• **Legal basis and formulation of the obligation to report** acts of corruption.

• **Centralised v Decentralised reporting mechanisms** – A chance for an exchange of experiences.

• **Successes and challenges encountered in training and awareness-raising** amongst civil servants of their rights and obligations in relation to reporting acts of corruption.
Thank you

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