



# Conference of the States Parties to the United Nations Convention against Corruption

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## Open-ended Intergovernmental Working Group on the Prevention of Corruption

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Item 2 (a) of the provisional agenda\*

**Implementation of Conference resolutions 7/5, entitled “Promoting preventive measures against corruption”, and 7/6, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”: thematic discussion on lessons learned on the development, evaluation and impact of anti-corruption strategies (article 5 of the United Nations Convention against Corruption)**

## Lessons learned on the development, evaluation and impact of anti-corruption strategies (article 5 of the United Nations Convention against Corruption)

Background paper prepared by the Secretariat

### I. Introduction

1. In its resolution 6/1, the Conference of the States Parties to the United Nations Convention against Corruption requested the Secretariat to structure the provisional agendas of the subsidiary bodies established by the Conference in such a way as to avoid duplication of discussions, while respecting their mandates. The Conference further requested the Secretariat, in its resolution 6/6, to continue to identify comparative good practices on measures to prevent corruption and to facilitate the exchange of expertise and lessons learned among States parties.
2. In its resolution 7/6, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, the Conference decided that the Working Group should continue its work to advise and assist the Conference in the implementation of its mandate on the prevention of corruption and should hold at least two meetings prior to the eighth session of the Conference.
3. In its resolution 7/5, entitled “Promoting preventive measures against corruption”, the Conference decided that the Working Group should include as the topic for 2019 lessons learned on the development, evaluation and impact of anti-corruption strategies.
4. In the light of these resolutions, it was decided that the topic for discussion at the tenth intersessional meeting of the Working Group, to be held in Vienna from

\* [CAC/COSP/WG.4/2019/1](#).



4 to 6 September 2019, would be “Lessons learned on the development, evaluation and impact of anti-corruption strategies (article 5)”.

5. At its second meeting, held in Vienna from 22 to 24 August 2011, the Working Group recommended that, in advance of each of its future meetings, States parties should be invited to share their experiences of implementing the provisions under consideration, preferably by using the self-assessment checklist and including, where possible, successes, challenges, technical assistance needs and lessons learned in implementation. The Working Group requested the Secretariat to prepare background papers synthesizing that information and decided that panel discussions should be held during its meetings, involving experts from countries that had provided written responses on the priority themes under consideration.

6. In accordance with these requests, the present report has been prepared on the basis of information relating to the implementation of article 5 of the United Nations Convention against Corruption provided by Governments in response to the note verbale of the Secretary-General dated 18 March 2019 and the reminder note verbale dated 26 April 2019. As at 4 June 2019, submissions had been received from 23 States. The submissions received from the following countries contained information relating to the discussion topic: Algeria, Armenia, Austria, Brazil, Bulgaria, Colombia, Cuba, Hungary, Iraq, Lebanon, Lithuania, Mexico, Montenegro, Myanmar, Pakistan, Qatar, Romania, Saudi Arabia, Serbia, Slovakia, Tajikistan, Ukraine and the United States of America.

7. With the agreement of the countries concerned, the full text of the submissions has been made available on the website of the United Nations Office on Drugs and Crime (UNODC).<sup>1</sup>

8. The present report does not purport to be comprehensive but rather endeavours to provide a summary of the information submitted by States parties and signatories.

## II. Analysis of submissions of States parties and signatories

### A. Thematic background

9. Article 5, paragraph 1, of the Convention calls upon States parties to develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

10. Article 5, paragraph 2, requires each State party to endeavour to establish and promote practices aimed at the prevention of corruption. Paragraph 3 of article 5 requires each State party to periodically evaluate the relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption. While measures to implement paragraphs 2 and 3 may be found in the policies adopted pursuant to paragraph 1, they may also constitute separate and distinct measures to ensure the comprehensive implementation of article 5.

11. In its resolution 3/2, the Conference strongly encouraged States parties to integrate anti-corruption policies in broader crime prevention and criminal justice reform strategies, as well as in public sector reform plans, and called upon States parties to enhance dialogue and synergies with other stakeholders outside the public sector in order to promote the involvement and engagement of those groups in the development and implementation of broader national policies and plans for promoting integrity and preventing corruption.

12. Furthermore, in its resolution 5/4, the Conference highlighted the importance of the development and implementation of effective, coordinated anti-corruption policies, consistent with article 5 of the Convention, and strongly encouraged States

<sup>1</sup> Available at [www.unodc.org/unodc/en/corruption/WG-Prevention/session10.html](http://www.unodc.org/unodc/en/corruption/WG-Prevention/session10.html).

parties, in addition to integrating anti-corruption policies in broader crime prevention and criminal justice reform strategies and public sector reform plans, in accordance with Conference resolution 3/2, to undertake similar action with regard to development programmes, strategies and action plans.

13. In its resolutions 6/1 and 7/6, the Conference encouraged States parties to develop, revise and update, where appropriate and in accordance with the fundamental principles of their legal systems, national anti-corruption strategies and/or action plans addressing, inter alia, the needs identified during their country reviews and to promote such strategies and/or action plans as a tool for country-led and country-based, integrated and coordinated technical assistance programming and delivery.

## **B. Development and implementation process**

14. The Convention recognizes that there is no one-size-fits-all approach to the implementation of article 5 and acknowledges that anti-corruption policies are to be developed by each State party in accordance with the fundamental principles of their legal systems. Regardless of the specific form in which such policies are stated, their adoption is a critical prerequisite for addressing corruption in a coordinated, effective manner and serves as a clear demonstration of political will.

15. In their submissions, the States parties describe diverse practices in implementing article 5. In many States parties, the requirements of the Convention have been implemented through the development and adoption of a national anti-corruption strategy or action plan. Other States parties have adopted a policy or series of policies that are part of a broader approach to fighting organized crime, promoting good governance, and national development.

16. The first step in developing an effective national anti-corruption strategy or policy usually involves designing the process for drafting. Decisions such as who will lead the process, which organizations will participate in the drafting and how consultations will be carried out are crucial, as they affect both the content of the strategy or policy document and the likelihood of its successful implementation.

17. States parties reported that the effectiveness of national anti-corruption strategies or policies was dependent on the accurate identification and assessment of all problems and challenges that a country faced in combating corruption. Such an initial assessment was important in order to identify anti-corruption measures that were concrete, comprehensive and grounded in the Convention.

18. In that regard, many States parties outlined how the process they had employed in developing their national anti-corruption policies had ensured the inclusiveness of a wide range of stakeholders, including civil society and other non-governmental actors.

19. The form, pace and details of the process of developing effective and coordinated anti-corruption policies and establishing coordination, implementation, monitoring and evaluation mechanisms were very much dependent on the existing legal and political frameworks and traditions of the respective States parties, as well as on the political and administrative dynamics of their Governments.

20. The measures, policies and practices adopted by States to address the issue of the development and implementation of anti-corruption strategies reflect the comprehensive approach to the prevention of corruption required under chapter II of the Convention. The practical examples of implementation submitted by States parties provide evidence of the importance of adopting a holistic approach to effectively address the issue throughout the public and private sectors.

### **1. Development process**

21. The development of effective and coordinated anti-corruption policies requires a concerted effort on the part of multiple stakeholders that is based on thorough

research and a sound understanding of corruption risks and challenges in the national context.

22. A number of States parties, including Algeria, Armenia, Austria, Brazil, Bulgaria, Colombia, Cuba, Hungary, Iraq, Lithuania, Mexico, Montenegro, Pakistan, Qatar, Serbia, Slovakia and Ukraine, emphasized how they had taken steps to ensure that their national anti-corruption strategies were comprehensive in scope and grounded in the requirements of the Convention.

23. Two distinct approaches to the implementation of article 5 were identified. Some States parties, including Armenia, Austria, Brazil, Bulgaria, Colombia, Cuba, Hungary, Iraq, Lithuania, Mexico, Montenegro, Pakistan, Qatar, Serbia and Ukraine, reported that they had implemented the provisions of article 5 of the Convention by developing comprehensive, specialized national anti-corruption strategies.

24. Others, such as Slovakia and the United States, had developed and implemented government policies to prevent and counter corruption, rather than anti-corruption strategies, that were mandatory for all public sector bodies.

25. In terms of process, States parties reported taking different approaches to the process of developing anti-corruption strategies and policies. While many States parties, including Armenia, Austria, Hungary and Serbia, had developed their strategies through a process of consultation and engagement with stakeholders, including representatives of the private sector and civil society organizations, others had opted for a more internal process involving government stakeholders.

26. Many countries, including Algeria, Armenia and Serbia, reported that their anti-corruption strategies had been structured to address the problems identified in specific sectors, such as health and education. Often, the strategy documents were accompanied by an action plan.

27. Armenia reported that it had completed the implementation of its anti-corruption strategy for the period 2015–2018, which focused on sectoral action plans in the areas of education, health, state revenue collection and policy. With regard to the process of developing a new strategy in 2018, Armenia noted its commitment to wide stakeholder engagement, which had included requests for civil society participation, broad stakeholder consultation and public comment. Following the receipt of more than 300 ideas from external stakeholders, the draft strategy had incorporated evaluations of corruption risk conducted throughout all public institutions, leading to the development of recommendations and action plans. The consultation had been facilitated by a public discussion carried out over the Internet.

28. Austria had adopted its anti-corruption strategic framework on 31 January 2018, following a process of discussions and round tables involving a wide range of stakeholders and experts representing government, civil society and the private sector. Expert panels had been convened on a series of specific, predetermined issues to address both the prevention and detection of corruption. The result was a set of six fundamental strategic objectives that formed the core content of the strategic framework.

29. Bulgaria had adopted its national strategy for the prevention of corruption on 9 April 2015, with the overall goal of achieving tangible results in the fight against corruption and promoting sustainable development as part of the Government's broader objectives. The strategy took into account recommendations emanating from the European Commission's impact assessment of the country's integrated strategy to prevent and counter corruption and organized crime, and built upon previous anti-corruption policies. A key objective in formulating the substance of the strategy was to align it with other national policies, including the National Development Programme: Bulgaria 2020.

30. Brazil addressed corruption under its National Strategy to Combat Corruption and Money-Laundering. The strategy addressed a range of interventions and reforms

in relation to the national legislative framework, the modernization of relevant institutions and asset recovery.

31. In May 2015, Hungary had adopted its National Anti-Corruption Programme, following consultations with a wide range of administrative and civil society organizations. The Programme took into account international standards and the national context in identifying substantive priorities, as well as needs assessments, surveys, statistical analyses and research. Hungary underlined that it had analysed the implementation of the previous anti-corruption strategies and used the results of the review of implementation of the Convention to inform the development of the new strategy.

32. Iraq reported that, under the overall leadership of the Commission of Integrity, a national anti-corruption strategy for the period 2010–2014 had been completed and adopted, with its successor strategy for the period 2016–2020 having been submitted to the secretariat of the Council of Ministers for approval. Iraq noted its request to UNODC for technical assistance in preparing a national anti-corruption strategy that is consistent with international standards and good practices.

33. In Montenegro, the anti-corruption policy was developed as part of the process of accession to the European Union and was incorporated into the Action Plan for Chapter 23 (Judiciary and Fundamental Rights). The Action Plan was developed through a process of consultation involving the stakeholders, institutions and bodies responsible for implementation, to ensure their support and ownership. Public consultations were held for the updating of the Action Plan, through which all relevant stakeholders were given the opportunity to submit proposals and provide opinions on the updated document.

34. Myanmar reported that its Anti-Corruption Strategic Plan (2018–2021), which included three main objectives and five working areas, had been developed in 2018.

35. Qatar reported that it had developed a comprehensive anti-corruption strategy in consultation with stakeholders from the public sector.

36. Slovakia reported that it had adopted its National Anti-Corruption Policy for the period 2019–2023 by Decree No. 585/2019. The document primarily addressed public sector institutions with a view to reinforcing integrity in the public sector and restoring trust in governmental institutions.

37. Ukraine reported that its anti-corruption policy framework had been developed by the National Agency for Corruption Prevention on the basis of an in-depth analysis of the situation regarding corruption and of the results of the implementation of the previous anti-corruption strategy. The strategy had been adopted by Parliament.

38. The United States reported that it did not have an overarching national anti-corruption strategy, but that it sought to prevent corruption through a series of policies that were made operational through legislation.

## **2. Coordination and implementation**

39. Following the development of anti-corruption policies or strategies, it is critical to ensure that mechanisms are in place to guide the implementation and coordination process to ensure that the goals and objectives of the policies or strategies are achieved.

40. States parties reported that a key prerequisite for success in implementing an anti-corruption strategy is the establishment of an effective coordination mechanism that ensures that all bodies with responsibilities under the strategy will be involved in its implementation.

41. Three different approaches were reported with respect to the coordination and implementation of anti-corruption policies at the national level.

42. Some States parties had opted to establish a centralized coordination body (such as a coordinating committee or an anti-corruption commission), which reported to

high-level government officials or institutions. To the extent possible, such bodies harmonized their oversight and coordination functions with already existing mechanisms for policy coordination, including those in place for national development strategies or the achievement of the 2030 Agenda for Sustainable Development, in order to avoid duplication of functions.

43. Alternatively, some States parties reported having established specialized coordination systems, where the primary responsibility for coordination and implementation was included in the mandate of anti-corruption bodies with preventive functions.

44. States parties that had not formulated an explicit nationwide anti-corruption policy implemented their anti-corruption measures through existing government channels, by adopting and enforcing legislation that required specific actions from public bodies and public officials. That approach was often complementary to the two approaches described above.

45. Armenia reported that operational coordination of the implementation of its national anti-corruption strategy was led by the Ministry of Justice, while overall coordination was overseen by the office of the Prime Minister.

46. As part of its implementation process, Austria had developed a comprehensive action plan divided into sections pertaining to the prevention of corruption and law enforcement. The implementation process was overseen by the Coordinating Body for Combating Corruption, whose role was to track implementation of the mandatory measures set out in the action plan and periodically supplement and update the plan as a “living document”.

47. In Brazil, the central body overseeing the implementation of the anti-corruption strategy was the Department of Assets Recovery and International Legal Cooperation of the Ministry of Justice and Public Security. The Department was responsible for overseeing the activities of more than 80 implementation partners and convened regular meetings to develop and discuss action plans, ensure coordination and support working groups assigned to specific thematic areas.

48. Lithuania reported having established a special inter-agency committee tasked with coordinating the implementation of the strategy as a non-permanent body under the Government. The committee consisted of senior representatives of various ministries and public bodies who met periodically to coordinate and review the implementation of the National Anti-Corruption Programme, as well as other activities of central and local government institutions and agencies in the areas of corruption prevention and detection of corruption-related crime.

49. In Bulgaria, the national strategy was overseen by the National Council on Anti-Corruption Policies, which had developed an action plan for implementation in coordination with relevant stakeholders. The National Council was an interministerial body with advisory, coordination and oversight functions, reporting to the Council of Ministers. It held both regular bimonthly meetings and, as needed, extraordinary meetings. A Civil Council had been established to enable public oversight and monitoring, as well as participation in the National Council.

50. The Minister of Interior of Hungary was cited as responsible for coordinating the government tasks related to fighting corruption and overseeing implementation of the National Anti-Corruption Programme. Within the Ministry, the Corruption Prevention Department led the operational coordination of the implementation process and ensured that designated ministries were assigned responsibility for implementing relevant measures. The Programme was structured according to biennial action plans, which were developed through multi-institutional consultation.

51. In Montenegro, the anti-corruption policy was coordinated through a working group responsible for negotiations under chapter 23 of the European Union acquis.

52. Slovakia had assigned an anti-corruption coordinator to each public institution. The coordinators were responsible for developing sectoral anti-corruption

programmes on corruption risk management. The Board of Anti-Corruption Coordinators had been created as a special expert task force to support the integration of anti-corruption policies of the Government and individual ministries.

53. Ukraine reported that its anti-corruption strategy was implemented under the State anti-corruption programme, which was drafted by the National Agency for Corruption Prevention and approved by the Government. The heads of State bodies were responsible for ensuring the effective implementation of the strategy.

54. The United States emphasized its efforts to train its employees on the applicable standards established under policies and legislation, and to raise awareness of relevant standards and policies, in particular those pertaining to conflicts of interest.

### **C. Monitoring, evaluation and reporting**

55. Regular monitoring, evaluation and reporting are essential to achieving the desired effect of a national anti-corruption strategy. Monitoring provides data on the progress made towards achieving the objectives of the strategy. In the evaluation phase, these data are used to determine which elements are effective, which ones are not, and what changes need to be made. Reporting the results of monitoring and evaluation helps maintain support for the strategy, not only by keeping stakeholders and citizens abreast of progress, but also by candidly revealing setbacks and explaining what is being done to address them. Periodic reporting helps citizens hold governments accountable for strategy results and provides opportunities for citizen input into strategy execution.

56. States parties reported a range of approaches and methodologies in relation to monitoring, evaluation and reporting. While some of those approaches and methodologies had produced positive results, many States had encountered challenges in relation to them.

57. Armenia noted its emphasis on transparency in the monitoring process, and pointed out that reports on the implementation of the previous strategy were published on the Government website. For the draft strategy under development, a new monitoring system had been planned that would include the active participation of civil society to further strengthen transparency and accountability. The main challenge identified by Armenia was the identification of indicators to monitor and assess the effectiveness of the measures implemented. To overcome that challenge, Armenia was planning to establish concrete targets, indicators and baselines, as well as quarterly reporting mechanisms, to better measure effectiveness and public perceptions, including through the use of public opinion surveys.

58. Austria reported on its plans to develop individual internal systems for each implementation partner to monitor progress and evaluate the impact and effectiveness of measures taken. An overall external evaluation was planned to take place on a two-year cycle, with the first to begin at the end of 2020.

59. In Brazil, the establishment of the National Strategy to Combat Corruption and Money-Laundering, overseen by the Department of Assets Recovery and International Legal Cooperation, provided a measure of consistency to the implementation process and the newly established monitoring mechanisms. Evaluation meetings took place each year in a plenary session of the national strategy stakeholders to review progress and to review proposals for the upcoming year.

60. Bulgaria reported that the National Council on Anti-Corruption Policies oversaw the progress made in implementing the action plans developed by various ministries, including by conducting analyses of the plans, identifying weak points and proposing measures to address them. In 2018, such analysis led to the publication of general guidelines for implementation partners on the development of anti-corruption action plans.

61. In Hungary, the National Protective Service within the Ministry of Interior was responsible for monitoring the implementation of the National Anti-Corruption Programme. The Service collected and compiled reports received from implementation partners, which were thereafter passed on to the political leadership by the Ministry. The effectiveness of the implemented anti-corruption policies was measured with reference to national surveys, scientific research and project indicators. A corruption risk mapping exercise had been carried out that had identified public institutions and positions exposed to a higher risk of corruption.

62. Iraq noted challenges faced in the monitoring and evaluation of its national anti-corruption strategy, and requested technical assistance in building national capacity to develop and implement a comprehensive mechanism to survey, evaluate and report on progress made under the current strategy. Iraq also reported on its intention to develop and apply a national integrity index to better evaluate anti-corruption measures taken by ministries and other public sector institutions.

63. Lithuania reported that the implementation of its anti-corruption programme was organized and controlled by the Government, with the participation of its specialized anti-corruption body. The monitoring of the implementation of the programme was carried out by the specialized anti-corruption body. The progress achieved was assessed in relation to predetermined performance targets and indicators specified in the programme and its action plan, as approved by the Government.

64. Montenegro reported that the continuous monitoring of both the implementation of all anti-corruption measures and the degree to which objectives were achieved was carried out by special coordinators placed in all public sector bodies, who reported to a working group charged with monitoring and reporting on the implementation of the action plan. The working group reported to the Government through the Rule of Law Council, a high-level body that monitored all activities and dealt with possible challenges. During the monitoring of implementation, special support was provided by representatives of civil society who served as members of the Working Group for the Preparation of Negotiations on Chapter 23 and contributed to enhancing the implementation of each activity.

65. Ukraine noted that the State programme for the implementation of the anti-corruption strategy was subject to an annual review by the Government, which took into account the outcomes of the implementation of all measures, as well as the conclusions and recommendations emanating from parliamentary hearings on corruption.

### **III. Conclusions and recommendations**

66. The submissions by States in advance of the meeting of the Working Group clearly demonstrated the breadth of approaches and measures that had been taken to address corruption through the adoption of dedicated anti-corruption policies, strategies and action plans. There were similarities among many jurisdictions in terms of approaches to the development and adoption of anti-corruption policies and their main elements. There were also important differences and innovative approaches that could be drawn upon by other States parties that are considering adopting such policies.

67. As part of its discussions, the Working Group may wish to consider how States parties can further strengthen their efforts to develop, implement, coordinate, monitor and evaluate anti-corruption policies, including by sharing information about good practices and common challenges among States parties.

68. The Working Group may also wish to recommend that States parties strengthen the exchange of information on the approaches and measures taken to ensure effective implementation, coordination, monitoring and evaluation of adopted anti-corruption policies.

69. The Working Group may wish to request the Secretariat to continue its efforts to gather information on good practices related to the development, implementation, coordination, monitoring and evaluation of anti-corruption policies, in particular in the context of the second implementation review cycle.

70. On the basis of the information summarized in the present report and the information to be presented at its tenth meeting, the Working Group may wish to give an overall appraisal of progress made so far in relation to the development, implementation, coordination, monitoring and evaluation of adopted anti-corruption policies.

71. The Working Group may also wish to encourage States to prioritize efforts aimed at the development, implementation, coordination, monitoring and evaluation of anti-corruption policies and to support each other in the development and implementation of such policies, including through the exchange of good practices and experiences, in particular in the light of the challenges and technical assistance needs that were reported by States parties.

72. The Working Group may wish to request UNODC to continue its efforts to gather information on good practices by States on the implementation of article 5 of the Convention. Subject to the availability of extrabudgetary resources, UNODC should support States parties in the implementation of the relevant article of the Convention through the development of training material and the organization of workshops, meetings and other events.

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