United Nations Convention against Corruption

Chapter II (Preventive measures)

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Belgrade
Preventive anti-corruption policies and practices (Article 5)

- A general provision requiring States to take an effective and coordinated approach to the prevention of corruption.

- Anti-corruption policies must promote the participation of society, reflect the rule of law, and promote the proper management of public affairs and public property.

- Must promote “integrity, transparency and accountability.”
Preventive anti-corruption body or bodies (Article 6)

- States must ensure the existence of a body or bodies that prevent corruption with sufficient independence, resources and staff to carry out their functions.

- Measures they may take include implementing anti-corruption policies and increasing and disseminating knowledge about prevention of corruption.
Recruitment, management and training of public officials (Article 7)

• Adequate procedures for recruitment, selection and training of officials. Special measures for “high-risk” areas.

• Adequate remuneration and equitable pay scales.

• Education and training programmes, including specialized anti-corruption training.

• Consider measures to enhance transparency in funding of political parties and candidates.
Conflicts of interest, codes of conduct and asset declarations (Articles 7 and 8)

Art. 7 (3): Enhancing transparency in the funding of candidatures for elected public office and the funding for political parties

Art. 7(4): Endeavouring to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

Art. 8: Codes of conduct for public officials
Case Study: Country A’s Asset Declaration System

Introduction of Computerised Financial Declaration System in 2000 with significant benefits:

• Higher level of compliance with declaration requirements (from 67% to 96%).
• Improved access to FDS forms: requests via Internet (66 to 823).
• Drastic reduction of operative costs (from 70$ to 8$ per form).
• Increased capacity to analyze and investigate (from 40 to 321).
• Significant reduction of paperwork.
• Improved public access.
Public Procurement and Management of Public Finances (Article 9)

Transparency, competition and objective criteria

• Public distribution of information so potential tenderers can prepare and submit applications.

• Use objective and predetermined rules and criteria for public procurement systems.

• Effective system of domestic review, appeal and remedies where rules not followed.

• Specialised training and declaration requirements for staff responsible for public procurement.
Transparency and efficiency in public administration (Article 10)

Take measures to enhance transparency in public administration including:

• Public access to information on organisation, functioning and decision-making processes.
• Simplifying administrative procedures.
• Publishing information on the risks of corruption in public administration.
Case Study: Country B’s Administrative Regulatory Guillotine

Inventory of rules: 34,457

More than 10 thousand administrative rules were standardized

Reduction of 47% of obsolete rules

9 Administrative Handbooks

16,261 rules were eliminated

Cost Savings

$5 billion

Equivalent to:

• 28% of Annual Education Budget
• 81% of Annual Social Programs Budget
Judicial and Prosecutorial Integrity (Article 11)

- Convention’s requirement: Strengthen integrity and prevent opportunities for corruption among judiciary.

- Judiciary with integrity essential but often seen as most corrupt.

- Bangalore Principles on Judicial Conduct.

- Implementation Guide for Article 11.
Private Sector (Article 12)

States required to take measures to prevent corruption involving the private sector, enhance accounting standards and apply appropriate penalties when measures are breached.

Examples of the types of measures that can be taken:

– Promote cooperation between law enforcement agencies and the private sector.
– Promote the development of standards designed to safeguard integrity of relevant private entities.
– Promote transparency in the identity of legal and natural persons.
Participation of Society (Article 13)

• Art.13 recognizes the important role of civil society in the prevention of corruption.

• State Parties required to:
  
  – take measures to promote the active participation of *individuals* and *groups outside the public sector in* the prevention of, and fight against, corruption.
  
  – raise awareness as to the causes and effects of corruption.
  
  – ensure anti-corruption bodies are known to public and access to reporting, including anonymously.
Participation of Society (Article 13)

Measures which it is recommended that States include in efforts to engage civil society in corruption prevention:

(a) Enhance transparency of and public contribution to decision-making processes.
(b) Ensure that the public has access to information.
(c) Public information activities and public education programmes.
(d) Respect, promote and protect freedom to receive, publish and disseminate information on corruption.
Anti-Corruption Awareness-Raising Activities

• Diversity in awareness-raising activities which should be tailored to the specific needs of the country. Ex.:

  **Malaysia:** Television drama of successful corruption investigation.

  **Jordan:** Radio series regarding integrity in public life, including the impact of corruption on women.

Civil Society Participation

i.e. contributions by civil society to developing and monitoring the implementation of national anti-corruption strategies
Measures to prevent money-laundering (Article 14)

• Requirement that States institute a comprehensive regulatory and supervisory regime for banks and non-bank financial institutions
• States should consider measures to detect and monitor the movement of cash and financial instruments
• States should develop and promote global, regional and subregional cooperation.
Thank you!

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