



UNODC

United Nations Office on Drugs and Crime

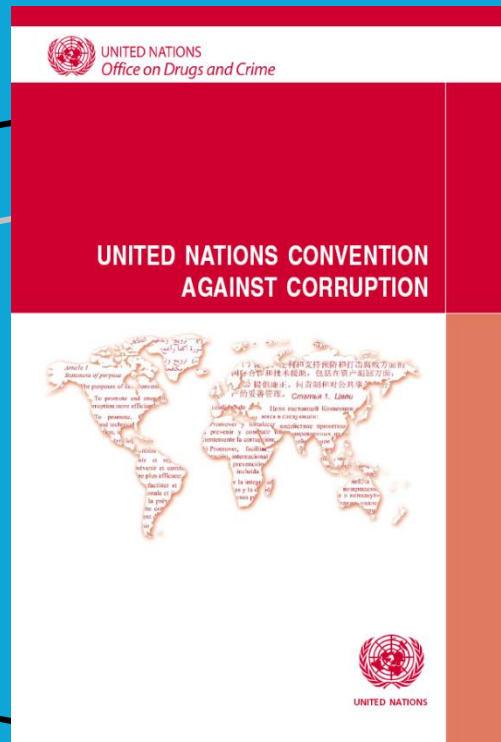
UNCAC Chapter II Overview

Prevention of Corruption under the UNCAC

18 February 2015
Addis Ababa

**Chapter II
Preventive
measures**

**Chapter III
Criminalization &
Law Enforcement**



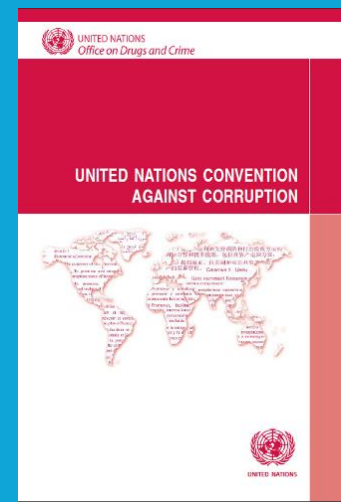
**Chapter V
Asset Recovery**

**Chapter IV
International
Cooperation**



Preventive anti-corruption policies and practices (Article 5)

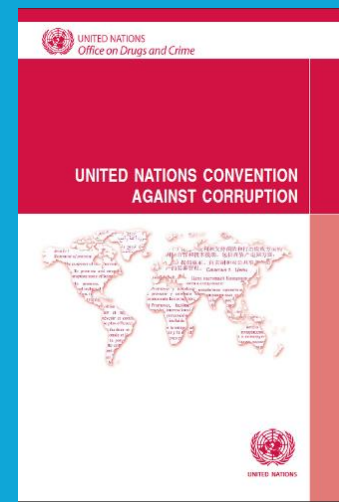
- A general provision requiring States to take an effective and coordinated approach to the prevention of corruption.
- Anti-Corruption Policies must **promote the participation of society**, reflect the rule of law and promote the proper management of public affairs.





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 (UNCAC Article 7)

- Adequate procedures for selection and training of officials working in “high-risk” areas.
- Adequate remuneration and equitable pay scales.
- Education and training programmes, including specialized **anti-corruption training**.
- Consider taking measures to enhance transparency in funding of political parties and candidates.



Conflicts of Interest, Codes of Conduct and Asset Declarations (UNCAC Articles 7 and 8)

National Implementation

- Application of prohibitions and restrictions to public officials.
- Specialised codes of conduct for “high risk” areas.
- Proactive measures to resolve conflict of interests.
- Centralised bodies for the enforcement of conflict of interests and asset declaration standards.



Case Study: Argentina 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 paper work.
- More access for all people.



Public Procurement and Management of Public Finances (UNCAC Article 9)

UNCAC Requirements

- 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.



UNODC

United Nations Office on Drugs and Crime

Case Study: Mexico Public Procurement Reforms

Main Characteristics

- Strengthening processes regarding disputes and sanctions in public procurement.
- Modernization of the electronic system: CompraNet.
- New modalities of Procurement: Reverse Auctions, Consolidated
- Purchases and Framework Contracts.
- Preventive Advice.
- Social Witness.
- Support to Small and Medium Enterprises





Transparency and Efficiency in Public Administration (UNCAC Article 10)

UNCAC Requirements

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 risk of corruption in public administration.

Case Study: Mexico Administrative Regulatory Guillotine

Inventory of rules: **34,457**

Reduction of 47% of obsolete rules

16,261 rules were eliminated

More than 10 thousand administrative rules were standardized

9 Administrative Handbooks



Cost Savings

\$5 billion

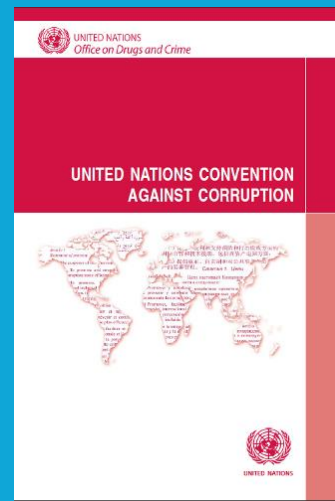
Equivalent to:

- 28% of Annual Education Budget
- 81% of Annual Social Programs Budget



Judicial and Prosecutorial Integrity (Article 11)

- UNCAC 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.
- Major UNODC projects in Nigeria, Indonesia and S.Africa in support of judicial integrity.
- Implementation Guide for Article 11 in development.
- Judicial Integrity to be addressed at 2013 UNCAC Working Group on Prevention of Corruption.



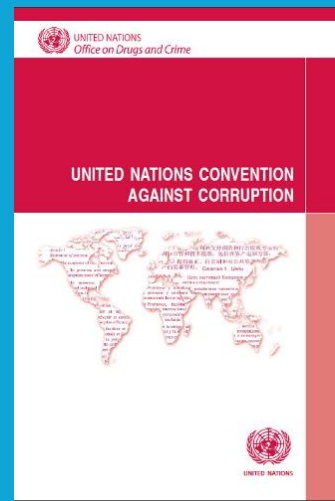


Private Sector (Article 12)

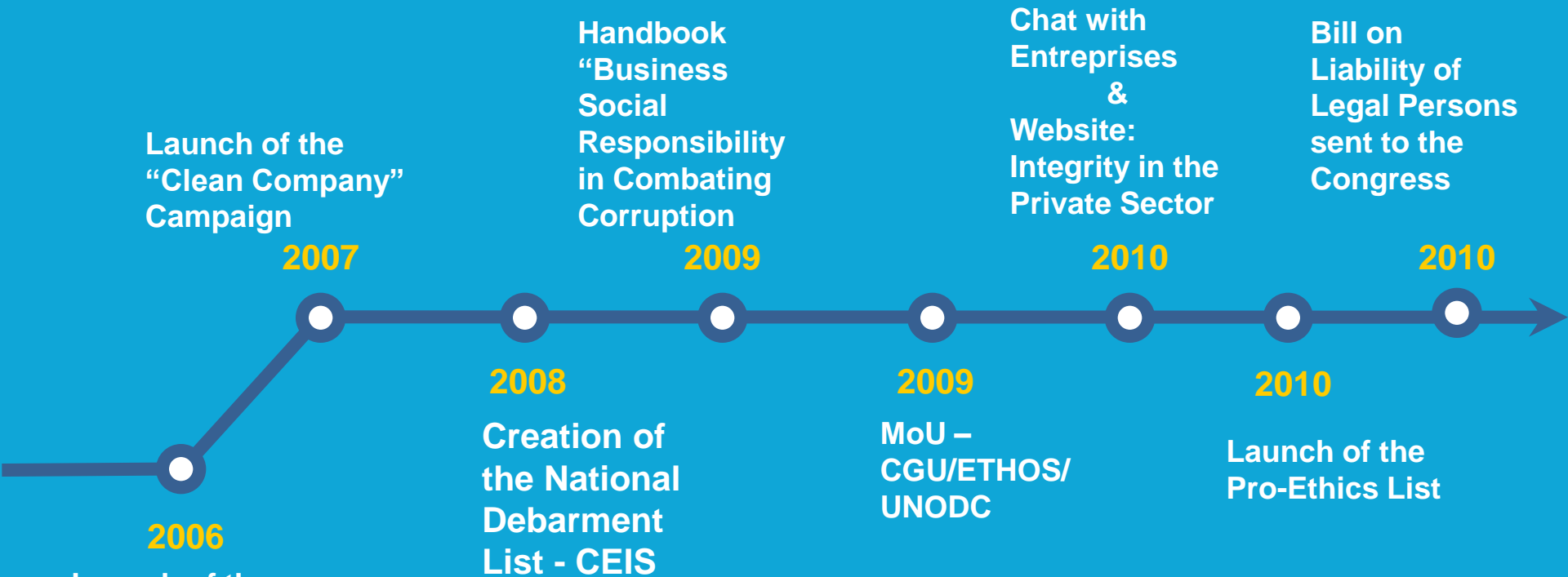
States required to take measures to prevent corruption involving the private sector, enhance accounting standards and apply appropriate penalties when measures are breached.

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.



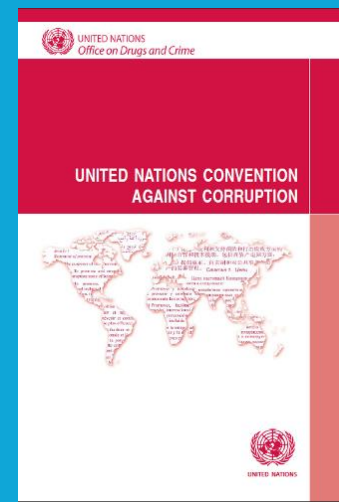
Case Study: Brazil Private Sector Anti-Corruption Efforts





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.

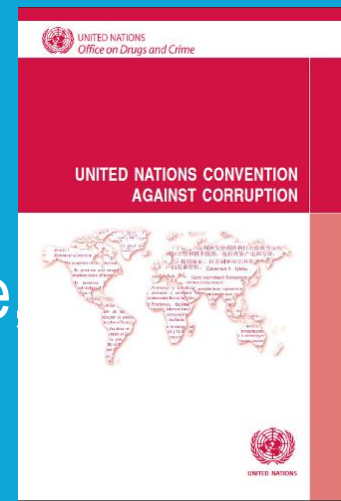




Participation of Society (Article 13)

4 measures which States are recommended to include in efforts to engage civil society in corruption prevention:

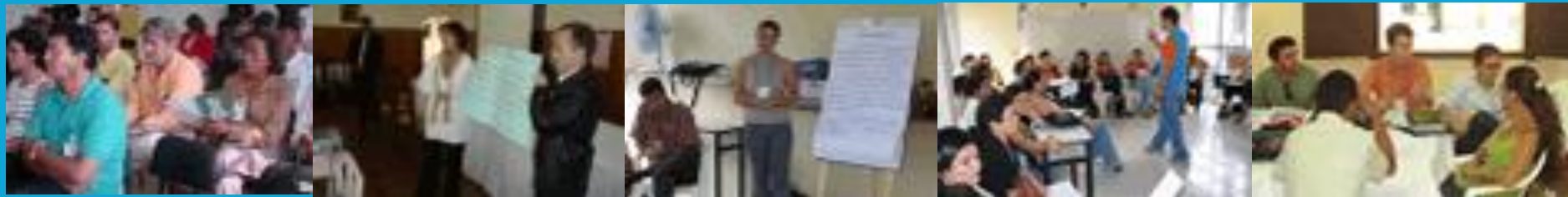
- (a) Enhance transparency of and public contribution to decision- making processes.
- (b) Ensure that the public has access to information.
- (c) Public Information activities and public education programmes.
- (d) Respect, promote and protect freedom to receive publish and disseminate information on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





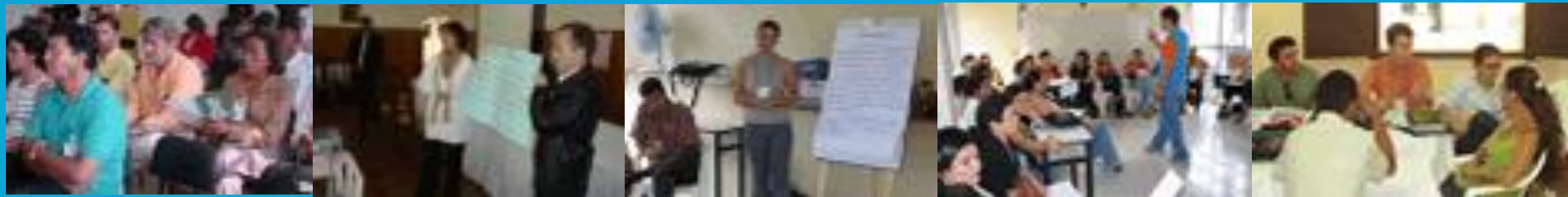
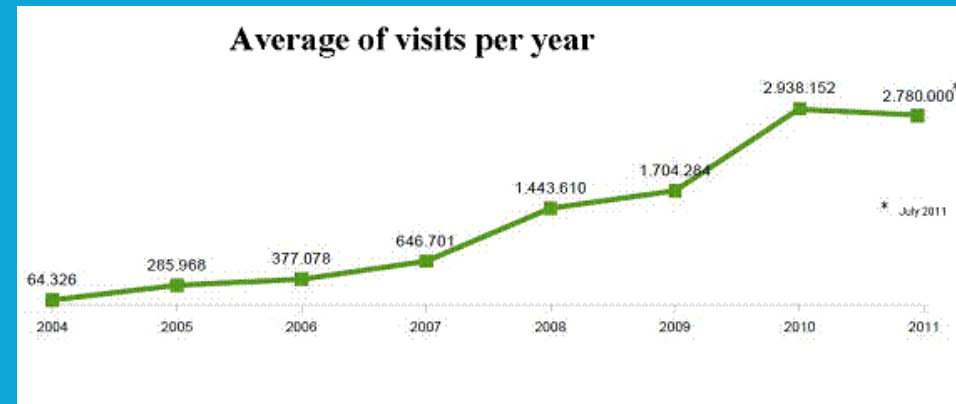
Case Study: Brazil Transparency Portal

- Established in 2004 to provide enhanced access to public expenditure information to the public.
- Information covered includes:
 - Spending of the federal government through tender processes or direct contracts
 - All transfers to states, municipalities and the federal district
 - All transfers to citizens benefiting from social programs.
 - Spending of each body and agency on travel allowances, salaries office supplies, equipments, projects and services contracted.



Case Study: Brazil Transparency Portal

- Information updated on a daily basis.
- Combined with major outreach programme “Eagle Eye on the Public Money” program, designed to train and build capacity of citizens on how to use the Portal.



Case Study: Access to Information and the House of Commons Expenses scandal in the UK

Use of the UK Freedom of Information Act uncovered the House of Commons expenses scandal.

Lessons Learned

- Legislation of right of access to information on request is needed even in transparent administrations.
- Need for strong FOI officers within public authorities.
- Strong, well-resourced regulator.
- Exceptions need to be well-drafted and strictly defined





Anti-Corruption Awareness-Raising Activities

- Huge diversity in awareness-raising activities amongst State parties. Examples include:

Malaysia: Television drama of successful corruption investigation.

Latvia: Awareness Raising methods targeted at the health sector.

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

- Awareness-raising measures need to be tailored to the specific needs of the country.



Case Study: Anti-Corruption Education in Cambodia

- Good Governance and Accountability Concepts integrated into primary and secondary education.
- Teacher guidebooks and training provided for subjects including Khmer language, civic education and history.
- 6,000 teachers trained in 19 provinces over 3 years.
- Stories and illustrations address frictions between collective interests and personal advantage.
- Secondary education more direct:
Plays, Home Economics Classes





Moldova: Civil Society Participation

- TI Moldova Member of Working Group for Monitoring the Implementation of the National Anti-Corruption Strategy (NAS).
- Played strong role in driving forward the monitoring and evaluation process.
- Data collection expertise used to support the work of the Strategy Working Group.



UNODC

United Nations Office on Drugs and Crime

Thank you

For further information:

Division for Treaty Affairs

United Nations Office on Drugs and Crime

P.O.Box 500 Vienna

A-1400 Austria

Tel: +43-1-26060-4534

Fax: +43-1-26060-5841

