

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED

BY GERMANY

ARTICLE 6 UNCAC

PREVENTIVE ANTI-CORRUPTION BODY OR BODIES

GERMANY (FIFTH MEETING)

I - Information requested from States parties in relation to mandates of anti-corruption body or bodies in respect of prevention (art. 6)

Each State Party shall ensure the existence of a body or bodies that prevent corruption for example by implementing the policies referred to in article 5 and, where appropriate, overseeing and coordinating the implementation of those policies or by increasing and disseminating knowledge about the prevention of corruption (Article 6 para 1).

At the federal level, application of the Federal Government Directive Concerning the Prevention of Corruption in the Federal Administration of 30 July 2004 ("the Directive") is binding; the *Länder* have adopted similar rules. Pursuant to no. 5.1 of the Directive, a contact person for corruption prevention is to be appointed in all agencies of the federation based on the tasks and size of such agency. This contact person can be responsible for more than one agency. Contact persons may be charged with the following tasks:

- a) serving as a contact person for agency staff and management, if necessary without having to go through official channels, along with private persons;
- b) advising agency management;
- c) keeping staff members informed (e.g. by means of regularly scheduled seminars and presentations);
- d) assisting with training;
- e) monitoring and assessing any indications of corruption;
- f) helping keep the public informed about penalties under public service law and criminal law (preventive effect) while respecting the privacy rights of those concerned.

Each State Party shall grant the corruption prevention bodies the necessary independence to carry out their functions effectively and free from any undue influence. The necessary material resources and specialized staff should be provided (Article 6 para. 2).

No. 5.5 of the Directive provides that, in carrying out their duties of corruption prevention, contact persons are to be independent of instructions. They are to have the right to report directly to the head of the agency and may not be subject to discrimination as a result of performing their duties.

Pursuant to Article 6 para. 3, each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

The authority within the meaning of paragraph 3 at the federal level is the Federal Ministry of the Interior which has the primary competence on corruption prevention within the Federal Government.