

Regional Platform for Fast-Tracking the Implementation of the United Nations Convention against Corruption (UNCAC) in Central Asia

ROADMAP 2024-2026

Introduction

On November 2-3, 2023, delegations from the Kyrgyz Republic, the Republic of Kazakhstan, the Republic of Uzbekistan, the Republic of Tajikistan and Turkmenistan met in Tashkent (Republic of Uzbekistan) for the purpose of coordinated implementation of the United Nations Convention against Corruption and better fulfillment of the recommendations on its implementation.

During the meeting, it was agreed to establish a Regional Platform for Fast-Tracking the UNCAC Implementation in Central Asia. The approach of the Regional Platform is aimed at developing and strengthening partnerships to promote the UNCAC implementation with a view to contributing to Sustainable Development Goal 16.

The participants concurred that the establishment of the Regional Platform would contribute to mutual information sharing and training, to knowledge management and to the harmonization of anti-corruption policy priorities across the region. The Regional Platform would also enhance the coordination among countries and increase the efficiency of technical assistance.

The Conference recognized the importance of regional cooperation in the implementation of the UNCAC and identified the following priority areas for synergies:

- Effective preventive measures against corruption, including enhancing awareness and applying codes of ethics for public officials, identifying and managing conflicts of interest, income and asset declarations, detecting illicit enrichment and beneficial ownership, promoting transparency in the activities of the public sector, organizations funded by the state budget or other public sources;
- Preventing and combating corruption in the corporate and private sectors, including establishing anti-corruption compliance procedures in state-owned enterprises, quasi-public and private entities, applying corporate liability for corruption offenses, providing victims' compensation, and introducing fraud and corruption prevention measures in the corporate and private sectors, as well as in the area of public procurement;
- Asset recovery and international cooperation, including developing asset recovery strategies and mutual legal assistance mechanisms, adopting specific legislation, establishing intergovernmental cooperation mechanisms and specialized units at the national level;

- Criminalizing corruption and investigating corruption offences, including criminalizing the promise and offer of a bribe, solicitation of a bribe, acceptance of the promise or offer of a bribe;
- Exchanging best practices in other areas proposed by the Participating Countries, including tracking digital assets and cryptocurrency transactions, the use of "coloring" of digital currency for these purposes, law enforcement interaction with cryptocurrency exchanges for the purposes of freezing, seizure and confiscation of digital assets, conducting integrity testing of public officials, etc.

These thematic areas were identified based on an analysis of the priorities of each Participating Country in the context of their implementation of UNCAC.

In addition, participants agreed that the Regional Platform will focus on the identified priority areas through mutual training and regional cooperation, civil society participation in combating corruption, the use of technology, data collection, as well as the gender aspects of countering corruption.

Total commitment

The Conference Participants reaffirmed their commitment to the implementation of the provisions of the United Nations Convention against Corruption and the implementation of the actions in the following priority areas of cooperation.

I. Preventive measures against corruption

Action 1. Finding optimal solutions for establishing institutional and legal environment to promote compliance with codes of ethics for public officials, identifying and managing conflicts of interest.

- *Examining the institutional peculiarities and existing social norms in order to determine the best ways to promote high ethical standards for public service.*
- *Developing draft codes of ethics for public officials in line with the requirements of the UNCAC and other international standards, supported by draft guidance and advisory documents providing a procedural framework that is realistic to implement:*
 - ✓ Examining the practice of application and interpretation of codes of ethics in Central Asian countries and developing recommendations on how to create an environment that encourages high ethical standards in day-to-day practice.
 - ✓ Based on best practices, preparing guidelines on how to develop codes of ethics and ensure their implementation;
 - ✓ Developing the requirements for compiling the existing practices on the interpretation and application of codes of ethics;
 - ✓ Conducting a regional workshop to share best practices in developing codes of ethics and ensuring their implementation by public servants.

- *Providing assistance in revising (developing) the conflict of interest legislation in line with best practices, including by:*
 - ✓ Determining the most effective procedures for identifying, declaring and managing conflict of interest in line with best practices;
 - ✓ Eliminating regulatory ambiguity and minimizing inadvertent violations of the conflict of interest regulations and codes of ethics.
- *Collaboratively developing recommendations and model guidelines for identifying and managing conflict of interest in line with best practices.*
- *Providing training for public officials on identifying and managing conflict of interest and complying with codes of ethics.*

Action 2. Asset declarations, illicit enrichment and beneficial ownership detection

- *Promoting the improvement of the legislation on income and asset declaration:*
 - ✓ Conducting research on international standards and sharing best practices;
 - ✓ Identifying gaps and weaknesses in the legislation asset declaration and verification of declarations;
 - ✓ Assisting in developing revisions and amendments to the relevant legislation.
- *Consulting and assisting in the introduction of mandatory disclosure of beneficial ownership of the legal entities receiving government funding, participating in major investment projects.*
- *Identifying the optimal models of practical regulation of liability for illicit enrichment.*

Action 3. Promoting transparency of public sector entities, organizations funded from the state budget or other public sources

- *Improving information accessibility for the public and for law enforcement agencies on significant expenditures of the state budget and other public funds in areas most exposed to corruption risks:*
 - ✓ Compiling best practices in strengthening public awareness and control over expenditures of the state budget and other public funds, including:
 - considering the possibility of introducing a register containing information on the most significant public contracts and subcontracts, public procurements, concession agreements, investment projects, and the recipients of the highest amounts of public funds;
 - ensuring accessibility and completeness of the data on the expenditures of the state budget and other public funds to be publicly disclosed, including by publishing relevant notifications prior to the start and after the completion of budgetary expenditure procedures.

- *Increasing the transparency of the law-making process and engaging civil society, the private sector and other stakeholders:*
 - ✓ Compiling best practices in how to control the accuracy and accessibility of information published on government agencies' websites, including that on procedures performed by them, and on actions targeting individuals and legal entities and corresponding appeal procedures;
 - ✓ Conducting regional workshops to share best practices of legislative bodies in making the information on draft legal acts publicly available and providing for their public discussion with the involvement of civil society, the private sector and other stakeholders, including:
 - defining criteria for making information on draft legal acts publicly available and ensuring the widest possible access to this information;
 - encouraging the general public, representatives of civil society and the private sector to participate in the discussion of draft legal acts and the development of the legislation;
 - ✓ Examining gaps in public awareness of anti-corruption expertise of legal acts, including the following aspects:
 - ensuring maximum involvement of representatives of the private sector, civil society, and academics in anti-corruption proofing of legal acts;
 - conducting anti-corruption proofing of legal acts at the request of the public;
 - making the results of the anti-corruption proofing of legal acts publicly available;
 - informing about the elimination of corruption-prone factors as a result of the anti-corruption proofing of legal acts.
- *Broad introduction of modern technologies in the most corruption-prone areas using a risk-oriented approach:*
 - ✓ Compiling regional best practices in the use of e-government to prevent corruption, and introduction of online platforms in corruption-prone areas;
 - ✓ Compiling international best practices in the implementation of big data and open data analytics in the anti-corruption field.

II. Preventing and combating corruption in the corporate and private sectors

Action 1. Increasing the effectiveness of anti-corruption compliance mechanisms in the public, quasi-public and private sectors

- *Developing (revising) statutory requirements for legal entities to implement compliance measures, including those that provide for:*

- ✓ Defining the range of legal entities subject to compliance and due diligence procedures, as well as specific compliance requirements towards state-owned and privately-owned enterprises, including small and medium-sized enterprises;
 - minimum requirements for legal entities in the area of compliance and due diligence procedures, including the development of corruption risk maps, corruption prevention and response policies, corruption reporting mechanisms, staff training, etc.;
 - rules for internal investigations and interaction with anti-corruption authorities;
 - protocol and procedures for access of the legal entity's compliance officers to information on legal entities, their founders, beneficial owners, corruption offenses committed by legal entities, and other state databases used in compliance;
 - responsible body determining the compliance policy and controlling the implementation of compliance procedures by legal entities;
 - deterrent and proportionate sanctions against legal entities for failure to implement compliance requirements or committing a corruption offense;
 - possibility of exemption from liability for a corruption offense or mitigation of liability if the legal entity has implemented the necessary compliance procedures and (or) has entered into a settlement agreement with law enforcement authorities.
- ✓ Studying the most effective approaches to legislative regulation of anti-corruption compliance
- ✓ Sharing regional experiences on best practices in implementing anti-corruption compliance and due diligence procedures.
- *Developing regional recommendations on the implementation of anti-corruption compliance and due diligence procedures, including by SMEs, as well as efficient mechanisms to monitor and control the observance of anti-corruption compliance rules by business entities.*
- *Developing measures to encourage compliance by legal entities:*
 - ✓ Exchanging best practices and conducting a workshop on anti-corruption compliance issues, including the identification of legal entities for which compliance procedures are mandatory;
 - ✓ Providing training to legal entities' employees responsible for compliance.

Action 2. Establishing corporate liability for corruption offenses

- *Developing (revising) legislation on corporate liability for corruption:*
 - ✓ Examining regional-level legislation on liability of legal persons for corruption and exchanging best practices;

- ✓ Conducting regional workshops on the introduction of criminal, administrative and civil liability of legal entities for corruption.
- *Introducing effective mechanisms to investigate corruption offenses committed by legal entities:*
 - ✓ Developing regional guidelines on investigating corruption offenses by legal entities and holding legal entities liable for corruption.
- *Promoting the use of anti-corruption guarantees and clauses in contracts:*
 - ✓ Studying best foreign legislative practices in using anti-corruption guarantees and clauses in contracts and applying sanctions for their violation, as part of the process of strengthening legal frameworks;
 - ✓ Sharing the regional experience of using anti-corruption clauses in contracts (including investment contracts) and applying sanctions for their violation in courts and international arbitrations.

Action 3: Ensuring compensation for the victims of corruption and the protection of their rights

- *Legislative introduction of the effective mechanisms for compensating victims of corruption and protecting their rights, in particular providing for:*
 - ✓ Cancellation of decisions taken as a result of corruption offenses;
 - ✓ Voidability of corruption-tainted transactions or separate provisions of the transactions concluded as a result of a corrupt agreement or corrupt actions of one of the parties;
 - ✓ Compensation for moral and property damage caused by corruption offenses;
 - ✓ Possibility of applying interim measures for the period of civil proceedings on compensation for damages.
- *Encouraging the implementation of best international practices on compensation for the victims of criminal offenses:*
 - ✓ Examining the best practices studying advanced examples of foreign legislation in establishing special compensation funds and state insurance systems to compensate victims of crimes;
 - ✓ Conducting the regional workshop on compensation for damage caused by corruption offenses.

Action 4: Prevention of fraud and corruption in the corporate and private sectors and in the area of public procurement

- *Encouraging organizations to implement international anti-bribery standards, including:*
 - ✓ Providing training on the implementation of international anti-bribery standards;

- ✓ Sharing best practices in implementing international anti-bribery standards.
- *Developing model law and legislative toolkits on preventing corruption in public procurement, including:*
 - ✓ Introducing mechanisms to prevent corruption and fraud, including procedures for the disclosure by bidders of information on affiliated and other interdependent persons, related party transactions, conflicts of interest;
 - ✓ Identifying approaches to retaining information on all public procurement actions and conducting periodic audits;
- *Strengthening cooperation through conducting joint activities on studying each Country's experience in the area of the managing of conflicts of interests and regulating the participation in public procurement of affiliated and other interdependent persons, and prevention of corruption; sharing best national practices and samples of legislation in this area.*

III. Asset recovery and international cooperation

Action 1. Strengthening the capacity of the Participating Countries for asset recovery and international cooperation in this area

- *Developing national strategies for asset recovery;*
- *Sharing of regional experiences in asset recovery and mutual legal assistance.*

Action 2. Strengthening international cooperation, including through setting up of joint investigative teams, creating international and regional task forces on corruption investigations and asset recovery, promoting informal cooperation of specialized units

- *Establishing information-sharing mechanisms, including:*
 - ✓ Identifying opportunities for strengthening cooperation and developing mechanisms for exchanging professional experience in the region;
- *Conducting a regional study on best practices in this area;*
- *Developing a guide for practitioners.*

IV. Criminalization of corruption and investigation of corruption offences

Action 1: Sharing experience on criminalizing the promise or offer of a bribe, the acceptance of a promise or offer of a bribe, and the solicitation of a bribe in the absence of evidence of extortion

- *Conducting a study on best practices in criminalizing the promise or offer of a bribe, acceptance of a promise or offer of a bribe, and solicitation of a bribe;*

- *Conducting a regional workshop on the criminalization of corruption.*

Action 2. Strengthening the capacity of law enforcement authorities to effectively investigate corruption offenses

- *Introducing advanced techniques for investigating corruption offenses into the activities of law enforcement agencies in the region:*
 - ✓ Sharing regional experience in investigating corruption offenses, primarily:
 - committed by the organized criminal groups and criminal organizations,
 - committed in the territories of several countries within the region;
 - ✓ Sharing best methods in investigating corruption offenses.
- *Promoting the use of international experience in the investigation of corruption offenses, including proactive investigations.*

V. Exchanging best practices in other areas proposed by Participating Countries

Action 1: Ensuring the integrity of public officials

- *Conducting a study on best practices in integrity testing of public officials and the legal implications of their use;*
- *Conducting a regional workshop on the risks of integrity testing, in particular entrapment, selective enforcement and possible abuses.*

Action 2. Establishing effective mechanisms to counter the illicit use of cryptocurrency (digital assets) for corruption and money laundering purposes.

- *Examining best practices in law enforcement bodies interaction with cryptocurrency exchanges for the purposes of freezing, seizure and confiscation of digital assets;*
- *Examining best practices in tracking digital currency transactions, including the "coloring" of digital currency;*
- *Preparing guidelines for law enforcers on how to counter the illicit use of cryptocurrency (digital assets) for the commission of corruption offences and laundering of criminal proceeds.*