



Tool 9.4 Prevention of corruption

Overview

This tool introduces the United Nations Convention against Corruption and refers the reader to the United Nations Anti-Corruption Toolkit and other relevant resources.

Corruption is the misuse of public power for private gain. Corruption includes several elements, such as bribery, embezzlement, abuse of discretion and favouritism. Specifically, bribery involves the promise, offering or giving of any undue benefit that improperly affects the actions or decisions of a public official. Corrupt officials often play an important role in human trafficking. At the recruitment stage, obtaining of fraudulent invitations or forged documents may be facilitated by corrupt officials. At the transportation stage, in exchange for bribes, officials may turn a blind eye and ignore victims of trafficking, allowing them to cross borders. At the exploitation phase, extortion may be exercised.

No State has been immune to some level of corrupt practices. The international community and the wider public in all societies have been constantly demanding more openness and accountability from the holders of public office. Consequently, many national, regional and international initiatives have focused on various aspects of the problem of corruption in recent years.

The Organized Crime Convention includes provisions relating to corruption in an organized crime context. However, because of the focused nature and scope of the Organized Crime Convention, States agreed that the multifaceted phenomenon of corruption could be dealt with more appropriately in a separate instrument. Hence, the United Nations Convention against Corruption was adopted by the General Assembly in its resolution 58/4, opened for signature from 9 to 11 December 2003 in Mérida, Mexico and entered into force on 14 December 2005.

United Nations Convention against Corruption

The adoption of the United Nations Convention against Corruption provides the opportunity for a global response to the problem of corruption. The level of support it has received indicates both an acute awareness of the severity of the problem and a remarkable political commitment to tackle it.

The Convention requires States parties to establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law. In some cases, States are legally obliged to establish offences; in other cases, in order to take into account differences in domestic law, they are required to consider doing so. The Convention goes beyond previous instruments of this kind, criminalizing not only basic forms of corruption such as bribery and the embezzlement of public funds, but also trading in influence and offences committed in support of corruption, i.e. the concealment and

“laundering” of the proceeds of corruption as well as obstruction of justice. The Convention also addresses the problematic areas of private-sector corruption. In addition, it contains substantial provisions on strengthening international cooperation in criminal matters, as well as on specific aspects of international law enforcement cooperation, including joint investigations and the use of special investigative techniques, such as controlled delivery, electronic surveillance and undercover operations. Lastly, the Convention includes separate chapters on asset recovery and technical assistance and information exchange.

A critical focus of the Convention is prevention—providing the institutional and regulatory framework to reduce the likelihood of corrupt practices in the first instance. Preventing and combating corruption is intrinsically connected with development and achieving sustainable livelihoods. If corruption permeates the fabric of society, including law enforcement, there can be few prospects for development and prosperity. It is for these reasons that assistance in preventing and combating corruption must be seen as part of an overall effort to create the foundations for democracy, development, justice and effective governance.



For more information, visit the UNODC website at:
www.unodc.org/unodc/en/corruption/index.html

For more on the Convention and its ratification status, see:
www.unodc.org/unodc/en/treaties/CAC/index.html

Recommended resources

United Nations Anti-Corruption Toolkit

The *United Nations Anti-Corruption Toolkit* provides comprehensive information and guides policymakers, practitioners and civil society in the development, implementation and monitoring of anti-corruption initiatives.

It is divided into nine specialized chapters, as follows:

- Assessment of corruption and of institutional capabilities against corruption
- Institution building
- Situational prevention
- Social prevention and public empowerment
- Enforcement
- Anti-corruption legislation
- Monitoring and evaluation
- International judicial cooperation
- Asset recovery/repatriation of illegal funds

Most chapters are followed by a number of case studies showing how various anti-corruption measures outlined in the Toolkit are actually being implemented in States around the world.

A key problem faced by those investigating corruption is that, unlike many traditional crimes, such as robbery or murder, corruption does not have a clear victim likely to complain and there is no overt occurrence likely to be reported by witnesses. Indeed, in corruption cases, those with direct knowledge of the offence generally profit in some way, making them unlikely to report it. Corruption is not a “victimless” crime, however; the only victim in many cases is the general public interest. For that reason, any anti-corruption strategy should include elements intended to bring to light the presence of corruption, such as:

- Elements to encourage people who witness or are aware of corrupt incidents to report them
- Incentives to complain about substandard public services that may be due to corruption
- General education about corruption, the harm it causes and basic standards that should be expected in the administration of public affairs
- Elements that generate information and evidence of corruption in other ways, such as audit and inspection requirements
- Strategies to encourage the more “direct” victims of corruption, such as the unsuccessful participants in a corrupt competition for a public contract or employment position, to be aware of the possibility of corruption and to report it when it is suspected

In encouraging those aware of corruption to report it, the greatest challenge is often their vulnerability to intimidation or retaliation by the offenders, usually because they belong to a vulnerable group or because of the relationship they have with the offenders. Thus, those who deal with officials in circumstances of physical or social isolation, such as new immigrants or residents of rural areas, should be the subject of information campaigns about what standards to expect from officials and be given the means to lodge complaints if the standards are not met. Government agencies can also set up channels that permit corruption to be reported internally.



The *United Nations Anti-Corruption Toolkit* can be found at:
www.unodc.org/documents/corruption/publications_toolkit_sep04.pdf

Legislative Guide for the Implementation of the United Nations Convention against Corruption

A group of experts from all geographical regions, representing various systems of law, as well as observers from relevant United Nations entities and other international organizations participated in the development of the *Legislative Guide for the Implementation of the United Nations Convention against Corruption*.

The legislative guide is intended to assist States seeking to ratify and implement the Convention by identifying legislative requirements, issues arising from those requirements and various options available to States as they develop and draft the necessary legislation.



The legislative guide is available in Arabic, Chinese, English, French, Russian and Spanish, Arabic and Chinese at:

www.unodc.org/unodc/en/treaties/CAC/index.html

Conference of the Parties



The first session of the Conference of the Parties to the United Nations Convention against Corruption was held in Jordan from 10 to 14 December 2006. The resolutions which were adopted at that Conference are available at:

www.unodc.org/unodc/en/treaties/CAC/CAC-COSP.html



The second session of the Conference of the Parties to the United Nations Convention against Corruption was held in Bali, Indonesia, from 28 January to 1 February 2008. Further information about that session is available at:

www.unodc.org/unodc/en/treaties/CAC/CAC-COSP.html

Working groups established by the Conference of the Parties

At its first session, the Conference of the Parties established working groups, which met for the first time in Vienna in 2007.



Information on the first meetings of the Working Group on the Review of Implementation (29-31 August 2007), the Working Group on Asset Recovery (27 and 28 August 2007) and the Working Group on Technical Assistance (1 and 2 October 2007) is available at:

www.unodc.org/unodc/en/treaties/CAC/working-groups.html

Self-assessment of the implementation of the United Nations Convention against Corruption



UNODC has created a downloadable self-assessment of the implementation of the United Nations Convention against Corruption, available at:

www.unodc.org/unodc/en/treaties/CAC/index.html

Transparency International

Transparency International is a global civil society organization founded in 1993, with more than 90 national chapters. Transparency International raises awareness of corruption around the world by bringing together Government, civil society, businesses and the media to promote transparency in elections, in public administration, in procurement and in business. Transparency International also advocates for governmental anti-corruption reform. The five key priorities of Transparency International are:

- Corruption in politics
- Corruption in public contracting
- Corruption in the private sector
- International anti-corruption conventions
- Poverty and development



More information about Transparency International can be found at:
www.transparency.org

Transparency International's suggested reading about the United Nations Convention against Corruption can be found at:

www.transparency.org/global_priorities/international_conventions/readings_conventions#un