

Annex to CU 2023/187/DTA/CEB/CSS

To facilitate the provision of information on good practices and challenges with respect to the use of information and communication technologies for the purpose of international cooperation and asset recovery in the framework of the implementation of the United Nations Convention against Corruption, the Secretariat has prepared the following questionnaire as a guide that States parties may wish to use.

The Secretariat also wishes to draw the attention of the Government to the notes entitled “The use of information and communications technologies for the implementation of the United Nations Convention against Corruption” contained in documents CAC/COSP/WG.4/2016/2 and CAC/COSP/WG.4/2022/2¹ and the conference room paper entitled “Responses received from States with regard to existing software programs for case management systems in the field of international cooperation contained in document CAC/COSP/EG.1/2017/CRP.1² that could be used as background material for the completion of the questionnaire.³

I. General information on the use of information and communication technologies:

- ✓ Has the Government used information and communication technologies (ICTs) **in the context of international cooperation** for the implementation of the Convention? **Yes** /No

- a. If yes, which ICTs has the Government used in the context of international cooperation? Please choose one or more of the options below:

- ✓ Email/messaging technologies
- ✓ Videoconference platforms/services
- ✓ Word processing technologies (e.g Microsoft Word, Google Docs, Open Office, etc.)
- ✓ Publicly available websites
- Artificial intelligence

¹ CAC /COSP/WG.4/2016/2

(<https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2016-August-22-24/V1603242e.pdf>); CAC/COSP/WG.4/2022/2

(https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2022-June-13-17/CAC-COSP-WG.4-2022-2_E.pdf)

² CAC/COSP/EG.1/2017/CRP.1

(<https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/EMInternationalCooperation/6-7November2017/V1707498e.pdf>)

³ Please refer to resolution 6/7 entitled “Promoting the use of information and communications technologies for the implementation of the United Nations Convention against Corruption”

(<https://www.unodc.org/unodc/en/corruption/COSP/session6-resolutions.html>)

- ✓ Case management systems
- ✓ Custom-made software for management and execution of requests
- ✓ Databases (Corporation registries, Register for beneficial ownership)
- ✓ Secure data storage platforms/facilities
- ✓ Secure information exchange/communication platforms (GlobE Threema, INTERPOL I 24/7, EUROPOL SIENA)
- Translation software
- Other, please specify:

2. Please provide additional details of any ICTs that are particularly useful for international cooperation based on your experience, including any websites, resources or tools that you frequently use and find most useful.

General Prosecutor's Office:

We did not make any specific evaluation of the tools used for the purposes of the implementation of the Convention in the field of international cooperation. The example of the use of GlobE Threema is provided below. In some states /including Slovakia/ publicly available website provide information - such as companies' registers - as well as various practical information, such as UN website, EJM and Eurojust websites, Council of Europe website etc. The numerous expert networks or bodies are also used to facilitate cooperation or to share expertise, for instance Eurojust, European Judicial Network (EJM), European Judicial Cybercrime Network (EJCN), contacts points of the Council of Europe committee PC-OC, etc. The use of videoconference is a useful tool of international cooperation. In some cases of international cooperation, the use of Interpol channels or other police secure networks may provide effective tools.

Public Procurement Office (PPO):

Measures to address the risk of corruption in the public procurement process:

- *Documenting the entire procurement process and justifying all key decisions is a basic requirement in order to be able to verify their accuracy afterwards.*
- *clearly defined and transparent procedures and processes used. Currently the processes are set up so that everything from preparation, market consultations, inspection reports, tender documents, tenders, minutes, contracts, addenda, performance information is published on the internet - public scrutiny*
- *e-procurement protection of the process guarantor / contracting authority - tenders, communication, documents in the electronic file cannot be changed, the whole course of action is recorded*
- *the evaluation of tenders is carried out by a committee of at least 3 members, the members of the committee with the right to evaluate tenders must have a professional education or professional experience enabling them to evaluate the tender, thus avoiding arbitrary decision-making and possible advantage or disadvantage to the tenderers*
- *the committee deals with or considers any possible conflict (agreement) between the tenderers involved, possible conflict of interest*
- *regular training in public procurement.*

Supervision activity of the PPO:

- *Creation of checklists,*
- *Obtaining the Quality management system certificate and Anti-corruption certificate*
- *Elaboration of an anti-corruption handbook and establishment of an anti-corruption box for reporting anti-social activities,*
- *Supervision according to the "four-eyes" principle to achieve the highest possible degree of impartiality and responsibility, to ensure uniformity in the design of decisions, to avoid their arbitrariness and also to eliminate the risk of a possible ad hoc assessment of the audited procurement,*
- *Creation and continuous improvement of professional tools for detecting conflicts of interest,*
- *Model document for contracting authorities/ contracting entities with a list of documents forming the complete documentation in public procurement.*

There exist measures to address the risk of corruption as well as conflicts of interest, in the public procurement process. The procurement authority must verify whether selecting the tenderer in the public procurement procedure does not cause a conflict of interest, whether the tenderer has not been blacklisted from public procurement and whether other conditions are fulfilled.

The specific selected employees of the PPOs Supervisory Department centrally searches for economic and financial links within individual procedures via a specific IT system.

Each employee is required to report a conflict of interest to his or her supervisor and to recuse himself or herself from any decision-making process with respect to that entity in the course of his or her activities if a conflict of interest is identified.

The PPO has access to electronic systems that are used to obtain information on possible links between entities in order to detect potential conflicts of interest.

There is also a central register of contracts in which contracts concluded by the obliged person are published (according to §5a of Act No. 211/2000 Coll. on free access to information and on amendment and supplementation of certain acts). A compulsorily published contract is a contract to which a ministry, other central government body, public institution and budgetary organisation or contributory organisation established by them, which are obliged persons pursuant to § 2, are a party. The obliged person shall immediately send the contract to the Office of the Government of the Slovak Republic for publication, and subsequently the contract shall be published in the public list of compulsorily published contracts maintained by the Office of the Government of the Slovak Republic in electronic form. In this central register of contracts it is possible to search for information according to various filters such as type of institution, supplier, price, contract number, contract name, etc.

The PPO also submits a complaint to the law enforcement authorities or the anti-monopoly office as part of the inspection in case of suspicion of criminal offenses.

3. If you are using software or have developed or use custom-made software in the context of international cooperation (e.g. case management for incoming and outgoing requests), please provide information on the main features of such software and how it could be useful. Additionally, would you consider making your custom-made software available to other States parties to the Convention?

General Prosecutor's Office:

All prosecutors use a custom made case management system that enables to handle the prosecutorial file also in an e-format. This involves international cooperation. This is a closed system for the prosecution service only. We are currently working on the implementation of the secured system between the EU Member States (for the purposes of international cooperation/mutual recognition).

Public Procurement Office (PPO):

Act No. 395/2021 Coll. was adopted, amending Act No. 343/2015 Coll. on public procurement and amending and supplementing certain acts, as amended, and amending and supplementing certain acts, also in connection with the changes related to Act No. 64/2022 Coll.

This amendment introduces an electronic platform (created on the basis of the EVO - Electronic Public Procurement and Electronic Marketplace systems): as a public administration information system, which serves to ensure the award of contracts for the supply of goods, construction works and services, the registration of these contracts, as well as the provision of related activities. The administrator of the electronic platform is the Office of the Government of the Slovak Republic.

The EVO part of the IS EVO supports inputting:

- above-the-limit contracts (public tender, restricted tendering, negotiated procedure with publication, competitive dialogue, innovative partnership, direct negotiated procedure)
- sub-limit contracts - Normal procedure for sub-limit contracts (§§ 112 to 116)
- for low-value contracts with publication in the Journal (Article 117(6))
- low-value contracts without publication in the Journal (Article 117(1))

In addition, the system may be used for pre-market consultations, dynamic purchasing systems and electronic auctions.

The Electronic Marketplace section supports procurement:

- Sub-limited contracts - Simplified procedure for contracts for commonly available goods and services (§§ 109 to 111)*
- low-value contracts pursuant to Sections 109 to 111 where the supply of goods or services normally available on the market is concerned.*

II. Evaluation and good practices

4. Have you evaluated the effectiveness of using ICTs for international cooperation in the fight against corruption? Yes /No
 - a. If yes, what indicators did you use for your evaluation? What was the outcome of the evaluation?
 - b. If the outcome of the evaluation was positive, how did the use of ICT facilitate international cooperation? Has the use of ICTs improved the quality of incoming and outgoing requests or their timely follow-up and reporting on international cooperation?
5. Please provide information (policies, measures, examples, case studies) of good practices in connection with your country's use of ICTs for international cooperation and asset recovery.

General Prosecutor's Office:

Under various conventional committees of international bodies some templates in electronic format exists that provides information necessary for effective international cooperation (e.g. within the Council of Europe - Conference of the Parties of the Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism (CETS 198). In the field of cybercrime, the template for preservation request is used. There are also various guides available to authorities (e.g. on virtual currencies etc.) on the intranet of the General Prosecutor's Office of the Slovak Republic. In the field of cybercrime, the connections of 24/7 contact points are used for the purposes of preservation of electronic evidence. Secure commercial solutions are used for communication between some experts (no personal data or case information are provided through such informal closed communication solutions, those are only used to initiate a contact in urgent cases, e.g. relating to cybercrime).

Public Procurement Office (PPO):

The question is already answered in point 2.

III. Challenges

6. Have you experienced any challenges or limitations in using ICTs in the context of international cooperation related to anti-corruption efforts? Yes /No

If yes, please indicate which of the following options are applicable:

- Lack of capacity or training
- Lack of resources
- Legal obstacles to the use of ICTs for the international cooperation
- Reluctance from foreign counterparts to use ICTs
- Security and confidentiality of sensitive information (personal data

protection)

✓ Technical obstacles (connectivity, access to stable internet connection, use of outdated technologies, etc.)

□ Other, please specify:

7. Please elaborate on the responses provided to question 6. If possible, please provide examples of the obstacles mentioned and describe the measures taken to overcome them.

General Prosecutor's Office:

There was no specific evaluation of challenges or limitations for in using ICTs in the context of international cooperation related to anti-corruption efforts. However, there are general challenges or limitations in using ICT's, for instance no regulation of the common standards for electronic signatures in international treaties, different standards for admissibility of evidence and in particular, electronic evidence, different data protection standards etc.

Public Procurement Office (PPO):

There is certainly a greater need for international cooperation in responding to corruption risks, particularly in the context of the importance of sharing experiences in analysing potential risks, in establishing procedures to address them, and in evaluating the effectiveness of established procedures and measures as they identify corruption risks, each organisation deals with the situation differently, sometimes there is a lack of rules in the form of anti-corruption policies of the organisation, the possibility of enforcing compliance with codes of ethics, or the problem may arise that responsibilities and competences are unclear, that control fails, and so on. Therefore, it is important to constantly exchange experiences and be inspired by the experiences and solutions of other countries.

- a. What kind of ICTs would help improve your ability to cooperate with other States on the fight against corruption?

General Prosecutor's Office:

No specific suggestions. One of the key issues of the effective international cooperation is the communication between requesting and requested state, in particular concerning the safe receipt of the request and the expedited execution of such request. Unfortunately, there are still cases where no information is provided by requested states for years (e.g. in cooperation based on the UNTOC). Any information system that would overcome this gap would be useful.

IV. Online one-stop hub of the Global Operational Network of Anti-Corruption Law Enforcement Authorities (Globe Network)

8. Are any law enforcement anti-corruption authorities from your country members of the Globe Network?⁴ **Yes** / No

- a. What online ICT services or functionality would be the most useful to your practitioners on the Globe one stop hub, as a resource for international cooperation?

General Prosecutor's Office and Ministry of Justice :

Online tools to indicate competent authority (like EJM Atlas), directory of contact points in member states.

- b. Has(ve) your Globe member authority(ies) registered as Globe Threema⁵ user(s)? **Yes** / No

- If yes, does the Globe Threema address their needs for a secure communication

platform? **Yes** /No

- What GlobE Threema functionality do they find the most useful for international cooperation?

General Prosecutor's Office:

Direct and informal secure communication with the Secretariat and other contact points.

- Are there other features that your member authority(ies) require from a secure communication platform?

General Prosecutor's Office:

Not really. Our contact point has used Threema Work once to transmit the request for establishing direct communication with the prosecutor executing the MLA request from Ukraine. Everything went properly, the Threema Work platform seems to be very speedy, effective and useful tool for informal and secure cooperation.

PPO is not part of Globe Network, so question 8 is not applicable for them.

V. Other

9. Please provide any other information you consider relevant to your country's legal framework and practices in connection with establishing an effective use of ICTs in the international cooperation system that was not highlighted in the questions above.

Public Procurement Office (PPO):

On 13 August 2020, the PPO obtained the ISO 37001 certificate - anti-corruption management system, thus confirming its long-term interest and approach to an active fight against corruption, to prevent and minimise corruption risks and to be prepared to deal with possible incidents. The PPO previously submitted to an independent certification audit by a certifying body - TÜV SÜD. The introduction of the system started on October 2019.

The PPO has set up a box to which antisocial activities can be anonymously reported, as well as a handbook on anti-corruption has been drafted. To procure transparently and in accordance with principles of public procurement, there is the Code of ethics of the candidate/tenderer which has been created at the PPO. The main purpose of the Code is to promote and facilitate compliance with these basic rules in public procurement procedures.

⁴ The list of GlobE Members and Observers can be found in the following website:

<https://globenetwork.unodc.org/globenetwork/en/membership.html>

⁵ Information brochure on GlobE Threema:

https://globenetwork.unodc.org/globenetwork/uploads/documents/GlobE_Threema_Brochure_-_A4_version.pdf