



Conference of the States Parties to the United Nations Convention against Corruption

Distr.: General
5 September 2011

Original: English

Report on the meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption held in Vienna from 22 to 24 August 2011

I. Introduction

1. In its resolution 3/2, the Conference of the States Parties to the United Nations Convention against Corruption decided to establish an open-ended intergovernmental working group, in accordance with article 63, paragraph 7, of the United Nations Convention against Corruption, and rule 2, paragraph 2, of the rules of procedure of the Conference, to advise and assist the Conference in the implementation of its mandate on the prevention of corruption.

2. In the same resolution, the Conference also decided that the Working Group should perform the following functions:

(a) Assist the Conference in developing and accumulating knowledge in the area of prevention of corruption;

(b) Facilitate the exchange of information and experience among States on preventive measures and practices;

(c) Facilitate the collection, dissemination and promotion of best practices in corruption prevention;

(d) Assist the Conference in encouraging cooperation among all stakeholders and sectors of society in order to prevent corruption.

3. Also in the same resolution, the Conference decided that the working group should meet during the sessions of the Conference and, as appropriate, should hold at least two intersessional meetings prior to the fourth session of the Conference, in order to perform its mandated task. The Conference also decided that the working group should submit reports on its activities to it.



4. The Open-ended Intergovernmental Working Group on the Prevention of Corruption held a meeting in December 2010. At that meeting, the Working Group recommended that at its next meeting, it should focus on good practices and initiatives in the prevention of corruption:

(a) Awareness-raising policies and practices with special reference to articles 5, 7, 12 and 13 of the Convention: thematic discussion;

(b) The public sector and prevention of corruption; codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention): thematic discussion.

5. The Working Group further decided that the secretariat should continue to carry out its information-gathering activities relating to chapter II of the Convention, concentrating on good practices and initiatives of States parties relating to the implementation of that chapter. The secretariat should also continue to collect information on existing expertise within the United Nations system and other relevant organizations in the prevention of corruption, paying attention to the specific features of anti-corruption strategies and policies in different sectors. The priority in gathering such information should be to facilitate the discussion on specific topics at the meetings of the Working Group so as to assist States parties in effectively implementing those articles of the Convention relating to the prevention of corruption.

6. The Working Group noted that the availability of adequate expertise on the specific topics to be addressed at its future meetings would benefit the discussion of those topics.

7. The Working Group encouraged States parties to share their initiatives and good practices in the area of prevention of corruption, particularly those practices relevant to specific topics to be addressed at its future meetings, and to communicate information on such initiatives and good practices to the secretariat.

8. The Working Group requested the secretariat to report to it at its second meeting on the activities undertaken pursuant to the recommendations made at its first meeting.

II. Conclusions and recommendations

9. At a meeting held in Vienna from 22 to 24 August 2011, the Working Group agreed on the conclusions and recommendations below.

10. The Working Group recommended that the Conference, at its fourth session, consider deciding that the Working Group should continue its work and hold two meetings before the fifth session of the Conference.

11. The Working Group recommended that, at its future sessions, it should continue to focus on a manageable number of specific substantive topics relevant to the implementation of the articles in chapter II of the Convention, and reiterated that the availability of adequate expertise on the topics being addressed would benefit the discussions. At its future meetings, the Working Group could focus its attention on the following topics:

(a) Implementation of article 12 of the Convention, including the use of public-private partnerships;

(b) Conflicts of interest, reporting acts of corruption and asset declarations, particularly in the context of articles 7-9 of the Convention.

12. The Working Group considered that its future meetings should follow a multi-year workplan for the period up to 2015, when the second cycle of the Mechanism for the Review of Implementation of the Convention should begin, and recommended that the Conference should discuss the matter at its fourth session. In advance of each meeting of the Working Group, States parties should be invited to share their experiences of implementing the provisions under consideration, preferably by using the self-assessment checklist and including, where possible, successes, challenges, technical assistance needs, and lessons learned in implementation. Also in advance of each meeting, the secretariat should prepare background papers for the topics under discussion, based on the input from States parties, in particular if they related to initiatives and good practices. The background papers should synthesize the different approaches taken by States parties in their different contexts, presenting the broad options and typologies of approach used and drawing attention to any common issues arising or lessons identified by States parties. Panel discussions should be held during the meetings of the Working Group, involving experts from countries who have provided written responses on the priority themes in question.

13. The Working Group noted with appreciation that many States parties had shared information on their initiatives and good practices on the topics considered, namely: awareness-raising policies and practices with special reference to articles 5, 7, 12 and 13 of the Convention; and the public sector and prevention of corruption: codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention). The Working Group requested States parties to continue to share with the secretariat updated information on initiatives and good practices related to chapter II of the Convention.

14. The Working Group reminded States parties to continue to notify the Secretary-General about the designation of competent authorities that may assist other States parties in developing and implementing specific measures for the prevention of corruption, pursuant to article 6, paragraph 3, of the Convention, and, in particular, to update existing information where needed.

15. The Working Group recommended that the secretariat conduct, subject to the availability of extrabudgetary resources and further substantive guidance by the Working Group, analyses of good practices reported by States parties on measures taken to address practical issues related to the implementation of provisions contained in chapter II, and collect information on existing expertise within the United Nations system and other relevant organizations in that regard.

16. The Working Group took note of the *Resource Guide on Strengthening Judicial Integrity and Capacity*, developed by the secretariat, and bore in mind the need to include in its future work the issue of integrity of the judiciary and prosecution services, with a view to promoting article 11 of the Convention.
17. The Working Group noted with appreciation the cooperation between the secretariat and the Department of Economic and Social Affairs with regard to preventing corruption in the public sector, and recommended that such cooperation continue, particularly with regard to the United Nations Public Service Awards and through other initiatives, including activities that enhance public service delivery and prevent corruption.
18. The Working Group took note of the initiatives taken by the secretariat to promote partnerships with the private sector against corruption, in close cooperation with the Global Compact Office and other relevant organizations, and recommended that the secretariat continue to assist in promoting the implementation of the Convention among the business community.
19. The Working Group reaffirmed that States parties should continue to strengthen awareness-raising and education throughout all sectors in society, and that special attention be devoted to work with young people and children as part of a strategy to prevent corruption.
20. The Working Group welcomed the initiative taken by the secretariat to develop comprehensive anti-corruption academic materials for universities and requested regular updates about progress in that endeavour.
21. The Working Group recommended that the secretariat continue to support the efforts of States parties to assess vulnerabilities to corruption in the public and private sectors and requested to be informed at a future session about further action taken in that regard.
22. The Working Group welcomed the continued efforts of the secretariat to promote integrity among members of the United Nations Chief Executives Board for Coordination through the Institutional Integrity Initiative, including in cooperation with the Ethics Office, and recommended that the Conference provide guidance to the secretariat as to how to further pursue that Initiative.
23. The Working Group recommended that the secretariat, in close cooperation with multilateral and bilateral assistance providers, continue to provide technical assistance to States parties, upon request, with a view to advancing the implementation of chapter II, including in preparing for participation in the review process for chapter II.
24. The Working Group recommended that sufficient financial resources be made available in order to effectively meet the technical assistance needs identified by States parties for the implementation of chapter II of the Convention.
25. The Working Group requested the secretariat, to report at its next meeting, on the activities undertaken pursuant to the above-mentioned recommendations.

III. Organization of the meeting

A. Opening of the meeting

26. The Chair of the Working Group, Dominika Krois (Poland), opened the meeting. At the outset of the meeting, the Chair asked the Working Group to observe a minute of silence in memory of the late Ariel Walter González. The representative of Argentina recalled the important and valuable contribution made by Mr. González, as a member of the Argentine delegation, to the work of United Nations bodies. Numerous other speakers expressed appreciation and recognition of Mr. González's work.

27. In opening the meeting, the Chair called on participants to use the meeting as an opportunity to discuss further possibilities for the Working Group on advising and assisting the Conference in implementing its mandates on the prevention of corruption, in particular in preparation for the review of the implementation of chapter II of the Convention in the second review cycle, to commence in 2015.

28. The Director of the Division for Treaty Affairs stated that the two reports prepared for the second meeting of the Working Group, entitled "Good practices and initiatives in the prevention of corruption: awareness-raising policies and practices with special reference to articles 5, 7, 12 and 13 of the United Nations Convention against Corruption" (CAC/COSP/WG.4/2011/2) and "Good practices and initiatives in the prevention of corruption: the public sector and prevention of corruption; codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention)" (CAC/COSP/WG.4/2011/3), were based on the responses submitted by Member States following the request of the secretariat for information on relevant initiatives and good practices in the area of prevention of corruption. He mentioned that the two reports reflected the information received by 27 May 2011 from 28 Member States and that submissions received after that date had been posted on the website of the United Nations Office on Drugs and Crime (UNODC), together with the submissions received earlier. He announced that the Working Group would also be informed about progress made in implementing the other recommendations it had made at its first meeting.

29. The Minister for Institutional Transparency and the Fight against Corruption of the Plurinational State of Bolivia made a statement recalling the challenges faced in her country in the fight against corruption. She outlined the priority areas for the Plurinational State of Bolivia in the prevention of corruption: citizen participation and social involvement; transparency and access to information; the establishment of transparency units in all public institutions; and the holding of workshops for disseminating information on corruption. She also emphasized the importance of institutional coordination mechanisms, including those involving indigenous groups. She recalled that, with UNODC assistance, the Bolivian Government had visited over 200 municipalities in the country to assist the establishment of anti-corruption committees, as well as public education and outreach. She referred to a national competition to identify the worst experience of red tape and thereby highlight bureaucratic bottlenecks. She outlined a pilot project of annual public sworn statements of government officials as a preventive measure against corruption.

30. The Vice-President of the Transparency Function of Ecuador gave a statement regarding the country's institutional mechanisms and the recent steps taken to prevent and combat corruption. She emphasized the legal structure that was in place to ensure transparency, counter money-laundering and strengthen public integrity. She noted the country's recent efforts to draw up a national anti-corruption plan, involving the creation of a national steering body to facilitate citizen participation in preventing corruption. She stressed the need to encourage high levels of professionalism through the drawing up of codes of ethics and asset disclosure mechanisms in order to establish a new culture of ethics and professional responsibility. She mentioned draft laws under consideration regarding conflict of interest, illicit enrichment and audit standards, including public procurement standards.

31. The Minister for Transparency of Ecuador stressed the importance of fostering transparency and efficiency in public management and of being committed to fighting the root causes of corruption. Strengthening the participation of the general public was a constitutional obligation for all public bodies in Ecuador. Coordination between different functions such as the legislative, judicial, electoral and executive bodies were key in fighting corruption. Ecuador was also working towards the implementation of transparent procedures in the private sector. Following public consultation, the National Assembly of Ecuador would take the necessary steps to criminalize illicit enrichment.

B. Adoption of the agenda and organization of work

32. On 22 August, the Working Group adopted the following agenda:
1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
 2. Implementation of Conference resolution 3/2, entitled "Preventive measures", and of the recommendations made by the Working Group at its first meeting:
 - (a) Good practices and initiatives in the prevention of corruption:
 - (i) Awareness-raising policies and practices with special reference to articles 5, 7, 12 and 13 of the United Nations Convention against Corruption: thematic discussion;
 - (ii) The public sector and prevention of corruption; codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention): thematic discussion;
 - (b) Other recommendations.
 3. Future priorities.
 4. Adoption of the report.

C. Attendance

33. The following States parties to the Convention were represented at the meeting of the Working Group: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bahrain, Belgium, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Canada, Chile, China, Colombia, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Guatemala, Haiti, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Malaysia, Mexico, Morocco, Namibia, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

34. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

35. The following States signatories to the Convention were represented by observers: Czech Republic, Germany, Ireland, Japan, Saudi Arabia, Sudan and Syrian Arab Republic.

36. Oman, an observer State, was also represented at the meeting.

37. Palestine, an entity maintaining a permanent observer mission to the United Nations, was represented.

38. The following Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations crime prevention and criminal justice programme network, specialized agencies and other organizations in the United Nations system were represented by observers: the Department of Peacekeeping Operations, the Office of Internal Oversight Services, the Office of the United Nations High Commissioner for Human Rights, the United Nations Commission on International Trade Law, the Department of Economic and Social Affairs, the Ethics Office, the Global Compact Office, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the World Food Programme, the United Nations Interregional Crime and Justice Research Institute, the Basel Institute on Governance and the International Atomic Energy Agency.

39. The following intergovernmental organizations were represented by observers: the Asian-African Legal Consultative Organization, the Council of Europe, the International Anti-Corruption Academy, the International Criminal Police Organization, the International Organization for Migration, the Organization for Economic Cooperation and Development and the Organization for Security and Cooperation in Europe.

40. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

IV. Implementation of resolution 3/2 of the Conference of the States Parties, entitled “Preventive measures”, and of the recommendations made by the Working Group at its first meeting

A. Good practices and initiatives in the prevention of corruption

1. Awareness-raising policies and practices with special reference to articles 5, 7, 12 and 13 of the United Nations Convention against Corruption: thematic discussion

41. The Working Group began its consideration of the background paper prepared by the Secretariat entitled “Good practices and initiatives in the prevention of corruption: awareness-raising policies and practices, with special reference to articles 5, 7, 12 and 13 of the United Nations Convention against Corruption” (CAC/COSP/WG.4/2011/2). It was noted that the paper was aimed at facilitating and guiding the discussions of the Working Group under the four thematic areas identified at its first meeting, in December 2010.

42. The Chair opened the floor for comments regarding article 5. Speakers expressed appreciation for the work undertaken by UNODC and the documentation prepared for the meeting. Several speakers provided overviews of efforts made in their countries to establish policies and practices to prevent corruption. Speakers stressed the legislative measures taken to prevent corruption and the national strategies elaborated to develop and implement comprehensive preventive measures. Several speakers highlighted efforts and good practices in promoting integrity and transparency in public administration, procurement policies and corruption-reporting mechanisms. The benefits of an e-procurement system were highlighted; such systems were regarded as an effective means to prevent corruption in public procurement. Reference was made to the importance of citizen participation and education for the success of corruption prevention efforts.

43. Reference was made to the importance of reading article 5 in the context of the other parts of the Convention, with emphasis on chapters III and IV. Speakers stressed the importance of continuing, through the secretariat, to provide information regarding good practices, legislative initiatives and other efforts to prevent corruption that could be shared with the Working Group. In particular, the desire was expressed to devote more time to in-depth discussions for the purpose of identifying practical, concrete measures to foster the implementation of chapter II of the Convention.

44. Emphasis was given to the importance of following a systematic approach in corruption prevention efforts and to avoiding sporadic and ad hoc approaches. In some countries, comprehensive laws on the prevention of corruption had helped to concentrate efforts and formulate a far-reaching strategic approach to fighting corruption. In addition, it was noted that indicators developed and used by States to measure their progress in the prevention of corruption had proved useful.

45. Several speakers stressed the importance of comprehensive training programmes for public employees and civil servants, as well as for magistrates and prosecutors, in the prevention of corruption. A number of speakers emphasized the need for targeted training programmes for senior managers and public officials in

positions particularly vulnerable to corruption. In some cases, institutional mechanisms included the appointment of corruption focal points in public institutions to act as a resource for public servants in the prevention of corruption. Reference was made to the importance of involving citizens and non-governmental organizations in efforts to prevent and fight corruption. The use of hotlines for reporting instances of corruption was regarded as a good practice. Several speakers noted the importance of emphasizing integrity, transparency, merit-based recruitment and promotion, and professional conduct for the prevention of corruption in the public sector.

46. Several speakers noted the importance of establishing codes of conduct and ethics. A critical aspect of fostering professional responsibility and ethical conduct was the development of clear guidelines to prevent conflicts of interest. Reference was made to the establishment of public portals in order to facilitate transparency and access to information by the general public and civil society. Accessibility to information was noted as a way of improving and strengthening efforts to prevent corruption. In addition, working groups involving public participation had served in some countries to assist in the development of policies and practices to prevent corruption. Several speakers emphasized the need to focus on the education of young people as a means of preventing corruption and facilitating interaction between government and society.

47. With respect to the prevention of conflicts of interest, several speakers drew particular attention to restrictions on the hiring of former public officials for positions in the private sector, particularly where the former officials had been involved in public procurement processes. More generally, speakers highlighted the particular importance of accumulating knowledge on the prevention and detection of conflicts of interest and suggested including that as an item on the agenda of the Working Group's next meeting.

48. Reference was made to the benefits derived from holding regional workshops to share good practices in corruption prevention, codes of conduct, public institution assessment methodology and other aspects related to corruption prevention. As an example, the European Anti-Corruption Training would serve as a platform on which anti-corruption institutions, law enforcement agencies and other authorities of European countries could exchange experiences and good practices that would then be compiled in a manual. In addition, it was noted that cooperation and information-sharing between the public and private sectors should be integral parts of efforts to prevent corruption. Some speakers noted that chambers of commerce could be instrumental in introducing good practices in the private sector. Also, it was emphasized that there was a need for the private and public sectors to work together in customs law enforcement in order to prevent corruption.

49. Some speakers noted the importance of coordination among political institutions and involvement of the media in efforts to prevent corruption. It was emphasized that measures to prevent corruption should be carried through to the highest level of government and public service. That could be done, for example, by incorporating provisions relating to asset disclosure and integrity in a country's most comprehensive legal instrument.

50. It was mentioned that the Convention called for specific measures to strengthen the civil service in terms of integrity, professionalism and

awareness-raising. Some speakers noted the usefulness of requiring civil servants to sign ethics agreements or statements of professional responsibility as a preventive measure. In addition, speakers noted the importance of establishing legal and institutional structures to prevent and combat corruption, including anti-corruption agencies and governmental coordination bodies, and of developing anti-corruption action plans to address challenges and prevent corruption across the system.

51. The observer for the United Nations Development Programme provided an overview of his organization's work in the area of capacity development for national anti-corruption agencies and introduced a methodology developed for institutional capacity-assessment, with reference to articles 5, 6 and 36 of the Convention. It was noted that one challenge facing anti-corruption agencies was lack of coordination among national authorities with splintered anti-corruption mandates. That hampered agencies' ability to effectively implement anti-corruption strategies and action plans. In an effort to provide guidance to such agencies, the United Nations Development Programme had recently convened a broad-based validation workshop in Bratislava to review the module-based benchmarking methodology and announced the intention to complete the assessment guide for presentation and dissemination at the fourth session of the Conference, to be held in Marrakech, Morocco, from 24 to 28 October 2011.

52. The observer for the Department of Economic and Social Affairs of the Secretariat emphasized the linkage between corruption and the achievement of the Millennium Development Goals and highlighted the importance of citizen engagement in enhancing accountability and eradicating corruption. He presented the five-pronged approach that the Department was taking to achieve such citizen engagement and underlined the relevant entry points in the Convention (articles 7-10) that underlined that approach. He recalled recent events, touching upon a number of topics of relevance to the prevention of corruption, and announced that a capacity-building workshop for Member States would be held in Marrakech on 26 and 27 October 2011 as a side event of the fourth session of the Conference.

53. In addition, the observer for the Department of Economic and Social Affairs noted the organization's involvement in the presentation of the United Nations Public Service Awards, which had been established with the objectives of: discovering the latest innovations in governance; rewarding excellence in public service; raising the image and prestige of public service; enhancing professionalism; building trust in government institutions; and sharing successful practices. He thanked UNODC for assistance provided in identifying candidates to receive the award in the category "Preventing and combating corruption in the public service", which had been presented for the first time in 2011. He noted that it would be possible to submit applications for the next round of awards, to be presented in 2012.

54. The benefits of the use of information technology were noted in efforts to promote public education, outreach and dissemination of relevant information and resources through user-friendly websites accessible to the general public. In addition, it was emphasized that Internet outreach could provide a useful tool for the engagement of civil service organizations in efforts to prevent corruption. Some speakers noted the benefit of publicizing the proposed laws, including by using the Internet and social networking platforms.

55. In addition, it was emphasized that the collection and dissemination of information on the prevention of corruption could be useful in the Mechanism for the Review of the Implementation of the Convention and the work of States parties to prepare for the future review of the articles concerning prevention in the Convention. Early reporting using the self-assessment checklist developed for the Implementation Review Mechanism was encouraged. Furthermore, it was noted that particular challenges or lessons learned regarding prevention efforts would be as instructive to the Working Group's discussion as the sharing of good practices.

56. In general, speakers underscored the paramount importance of establishing and improving public-private partnerships and working towards the active engagement of the private sector in corruption-prevention activities. In support of that endeavour, it was emphasized that raising the awareness of the business community and promoting a sense of responsibility among corporate actors regarding their role in the prevention of corruption were central to the effective implementation of the Convention and to meeting the Millennium Development Goals. It was noted that such efforts fit within the Anti-Corruption Action Plan of the Group of Twenty Finance Ministers and Central Bank Governors, approved in Seoul in November 2010. In addition, some speakers addressed the need to ensure a more balanced approach between public and private sector initiatives and suggested that more attention should be devoted to work with the private sector.

57. An area of particular concern to speakers was public procurement. Speakers emphasized the importance of ensuring that procurement mechanisms were transparent and objective and that a level playing field was established to promote fairness and neutrality in the procurement process. It was noted that that could be accomplished, in part, by the strengthening of legal and regulatory mechanisms governing interaction between the public and private sectors in the procurement process. Some speakers stressed the importance of avoiding conflicts of interest and suggested establishing disclosure requirements for business and other relationships by both public officials and private sector representatives in dealings between the sectors.

58. Speakers reported on measures taken to streamline the monitoring and regulation structures for the private sector, including through legislation establishing the administrative, civil and criminal liability of legal persons, voluntary regulation models and effective controls over compliance with such models, as well as on the removal of administrative barriers and simplification of licensing procedures to reduce opportunities for corruption.

59. With regard to codes of conduct as a form of voluntary regulation, it was noted that, while the principles contained in such codes were valuable, the codes were typically non-binding. One way to strengthen such codes was by enacting audit and oversight legislation to foster a more responsible approach in the private sector to their business activities and professional conduct. The establishment of auditing standards, accounting standards and complementary articles of the criminal code in line with article 12 of the Convention was suggested. It was noted that measures could be taken in the public sector to encourage the private sector to enforce internal rules and procedures on heightening financial and business accountability. To complement such efforts, the importance of effective legislation on tax evasion was highlighted.

60. In the area of incentives for corporate compliance, some speakers reported on initiatives involving the “white-listing” of companies that had upheld principles of corporate integrity, accountability and compliance with ethical standards, based on information provided in a questionnaire developed for the purpose of assessing companies’ integrity levels. Many speakers referred to the practice of blacklisting companies that, in contrast, had engaged in corrupt activities. Such blacklisting involved a debarment from participation in bidding processes in some cases.

61. It was noted that the issue of asset declarations was particularly complex, especially given the scope of asset disclosures and the potential extension of disclosure obligations to family members of public officials in vulnerable positions. It was also noted that a “lifestyle analysis” could supplement endeavours to apply effective requirements to the integrity of candidates aspiring for public office.

62. Some speakers commented on the usefulness of online business portals that provided a repository of anti-corruption knowledge on issues relevant to the business community. One such initiative, the Business Anti-Corruption Portal, provided information and guidelines to interested companies on how to do business in different markets without resorting to corruption. The Portal collected and analysed country-specific information from open sources and provided a basis for companies’ risk assessment, as well as due diligence guidelines on how to approach the markets concerned.

63. The observer for the Global Compact Office presented an overview of the activities of the Office and how it worked with the private sector to prevent and fight corruption. She noted that, since its launch in 2000, the Global Compact had attracted more than 8,000 participating companies and other stakeholders from over 130 countries, including small and medium-sized enterprises and multinational corporations, and more than 90 local networks worldwide. An overview was also given about tools and resources developed by the Global Compact Office for the business community and about recent initiatives pursued in collaboration with various stakeholders. In addition, an e-learning tool for the private sector, developed jointly by the Global Compact Office and UNODC and available online to interested parties free of charge, was presented to the Working Group.

64. Several speakers emphasized the importance of community-based organizations and civil society in the prevention of corruption. Speakers reported on various approaches in their countries to ensure the engagement of such organizations both at the level of policy development and in terms of acting as community-based monitors against corrupt activity.

65. It was reported that school-based projects to engage young people in the fight against corruption had proved effective in public education, improved the functioning of school facilities and actively involved students in facilities maintenance and management to foster citizen responsibility, integrity, accountability and respect for transparency. Several speakers reported that comprehensive educational programmes for young people would be developed and integrated into the existing curricula. Speakers reported that such efforts were being made with a view to building a culture of intolerance towards corruption, in collaboration with the private sector and the media.

66. It was reported that the establishment of social oversight mechanisms to ensure that public expenditure was carried out in a responsible manner and in full

consideration of the interests of society had proved to be effective in some contexts. Some speakers noted that public financing oversight mechanisms had been set up to directly involve the public in the monitoring of public expenditure.

67. Some speakers emphasized the full participation of the public, including indigenous populations and minority and faith-based groups, as an integral part of corruption prevention. It was noted that accountability needed to apply from the public sector to citizens, and from citizens back to the public sector in order to promote a free exchange of information and vibrant communication at the grass-roots level. In that context, some speakers reported on the establishment of mechanisms to mobilize and engage the public at the community and regional levels with the aim of fostering public participation in the fight against corruption. It was noted that it had been helpful in many contexts to consider citizens as allies in anti-corruption efforts.

68. With regard to awareness-raising in the public sector, it was reported that efforts had been made to develop a public manifesto against corruption, to move beyond codification of ethical principles to a professional culture of uniform opposition to corruption at all levels of government service.

69. The role of mass media and the Internet in disseminating information on corruption was underscored by many speakers. In that regard, it was noted that the use of the media to broadcast the facts of corruption cases brought before courts and their outcomes had proved beneficial to awareness-raising efforts pursued at the national level.

70. The observer for the Office of the United Nations High Commissioner for Human Rights made a presentation on human rights aspects in the prevention of corruption. It was emphasized that human rights considerations were important components in corruption prevention and that the implementation of articles of the Convention relating to prevention could be effectively achieved through the application of human rights norms and principles. In addition, it was noted that, with regard to measures to prevent corruption, both the public and private sectors had a duty to safeguard human rights, protect against abuses and act with due diligence to avoid infringing the rights of others.

71. The observer for the International Anti-Corruption Academy provided an update on the progress made towards the institutional and academic operationalization of the Academy, which had been established as a fully fledged international organization in March 2011. An informal timeline shared with the Working Group indicated that the first full Assembly of Parties was expected to be convened in 2012, coinciding with the launch of the full academic programme of the Academy. The academic programme would include both standardized and tailor-made training and research, interdisciplinary teaching on anti-corruption and master's degree programmes. In 2012, the Academy would offer its first master's degree course, a module-based, part-time course including both off-site and on-site training.

72. The observer for the Organization for Security and Cooperation reported on activities pursued in support of civil society participation in anti-corruption activities. She gave an overview of her organization's training and capacity-building activities for civil society and the private sector in corruption prevention. The outcomes of a recent round-table meeting on the participation of civil society in the

prevention of corruption were shared with the Working Group. The outcomes included the reinforced commitment of the participants to: providing sufficient space for civil society to monitor and report instances of corruption without fear of reprisal or retaliation; establishing an adequate legal and institutional framework within which civil society could operate without hindrance; providing legal safeguards and protection for journalists reporting on corruption; and creating an environment conducive to reinforcing the role of the media in the dissemination of anti-corruption information, education and knowledge.

73. A representative of the Advocacy Section of UNODC delivered a presentation on UNODC collaboration with civil society in the fight against corruption. The UNCAC Coalition, an umbrella organization comprising a global network of geographically diverse non-governmental organizations active in preventing corruption, was acknowledged as the main civil society counterpart of UNODC in anti-corruption matters. An account was given of recent training events organized by UNODC for civil society organizations. In an overview of public awareness campaigns on anti-corruption conducted by UNODC in collaboration with the United Nations Development Programme and other stakeholders, the importance of agenda-setting and public education and outreach was stressed.

2. The public sector and prevention of corruption; codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention): thematic discussion

74. A representative of the secretariat introduced the background paper entitled “Good practices and initiatives in the prevention of corruption: the public sector and prevention of corruption; codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention)” (CAC/COSP/WG.4/2011/3). She stressed that many Governments shared their experiences and good practices in promoting integrity and transparency in public administration, highlighting initiatives undertaken with regard to articles 8 and 10, including activities undertaken by international organizations. It was acknowledged that it might be useful to gather information in a more systematic manner and to develop a qualitative assessment of the impact of preventive practices.

75. Several speakers expressed appreciation for the work undertaken by UNODC and for the background paper prepared by the Secretariat. They also mentioned the importance of cooperation between Member States and the secretariat.

76. Speakers emphasized that, with regard to codes of conduct, it was a fundamental principle that civil servants had to answer to the government, as opposed to any political party or other groups. It was noted that codes of ethics, in some contexts, were incorporated into the governmental system on a sector-by-sector basis and, in some cases, could be significantly different in scope and substance, depending on the requirements of the particular sector. However, several common elements were noted that had been incorporated into most codes of conduct, regardless of sector, including the prohibition of conflict of interest, bribery and other criminal offences; regulations governing the receipt of gifts; and general provisions on professional responsibility.

77. Several speakers noted that it was integral to the establishment of a professional public service to develop and adopt codes of conduct for public

servants, laying out fundamental values to guide and regulate behaviour. It was noted that such codes of conduct would not only regulate the behaviour of individual public servants, but would also encourage the promotion of a professional public service. Some speakers noted that codes of conduct should be developed and signed by public officials at all levels of government, not only senior officials and managers. It was also noted that such codes of conduct should be applicable to all offices and public officials involved in financial matters and the disbursement of public funds.

78. Several speakers noted the particular importance of guiding and regulating the conduct of public officials involved in public procurement, owing to the high risk of corruption in such operations.

79. The observer for the Office for Economic Cooperation and Development delivered a presentation on public reporting. He indicated that certain types of public officials were statistically more likely to promote transparency more effectively than others. He reported on ongoing sector-specific studies in public reporting for the health and education sectors, among others.

80. The observer for the United Nations Development Programme presented his organization's initiatives to preventing corruption in the public sector by strengthening institutional and sectoral integrity. He pinpointed some of the major challenges encountered, namely the need for tools and methodologies to guide how anti-corruption and sectoral practitioners could work together and the need for capacity development on sectoral and institutional integrity. He mentioned that, as a result of limited understanding of sectors, many corruption cases were handled as mismanagement cases and not as governance cases.

81. The observer for the Council of Europe informed the Working Group about lessons learned during the Group of States against Corruption (GRECO) monitoring process. The starting point for the GRECO analysis was ethical practice in administration and the quality of the services delivered to citizens. The key instruments used in the process were Council of Europe resolution (97) 24 on the twenty guiding principles for the fight against corruption, and recommendation No. R (2000) 10 on codes of conduct for public officials. The need to have comprehensive codes of ethics, which were enforceable and understood by both public officials and civil society, was highlighted. It was noted that there was a call for effective, proportionate and dissuasive sanctions when infringements occurred. Furthermore, GRECO underlined that voluntary regulation of behaviour could not replace legal norms and external control. The effectiveness of codes of conduct also depended on appropriate mechanisms for enforcement, including channels for reporting corruption, and disciplinary measures.

82. The observer for UNODC gave a presentation on the recently completed *Resource Guide on Strengthening Judicial Integrity and Capacity*. He reported that work on the guide had begun pursuant to Economic and Social Council resolution 2006/23, in which the Council requested UNODC to convene an open-ended intergovernmental expert group to develop a technical guide to be used in providing technical assistance aimed at strengthening judicial integrity and capacity. The guide included references to successful measures taken in a range of countries to address particular challenges in strengthening the justice system and reflected good practices and lessons learned in a wide range of countries and legal

contexts. Each chapter of the guide contained conclusions and recommendations for the development and implementation of the proposed reform measures. The guide would be available in the near future as an electronic document on the UNODC website.

83. A representative of UNODC presented the *Handbook on Police Accountability, Oversight And Integrity*,¹ recently published as part of the UNODC Criminal Justice Handbook Series. The Handbook covered international legal standards applicable to police oversight and accountability and promoted police integrity and the introduction of preventive and corrective measures, while emphasizing the role of different actors, such as government representatives, the judiciary, civil society and independent oversight bodies.

B. Other recommendations

84. A representative of the secretariat made an introductory presentation on progress made on recommendations made by the Working Group at its first meeting. With regard to procurement, it was reported that the United Nations Commission on International Trade Law (UNCITRAL) had adopted the UNCITRAL Model Law on Public Procurement in July 2011. In addition, it was reported that in the first half of 2011, UNODC had launched three anti-corruption projects aimed at promoting the private sector's engagement in anti-corruption efforts, one of which specifically targeted public-private partnerships in procurement. An update was also provided on the Institutional Integrity Initiative. Finally, UNODC efforts to develop academic anti-corruption materials for university curricula and other teaching materials were noted.

85. The observer for UNCITRAL introduced the UNCITRAL Model Law on Public Procurement, stating that it would serve as a template for national procurement legislation for implementing the provisions of the Convention. She noted that the Model Law reflected best procurement practice and promoted value for money and avoidance of abuse through transparency, integrity, participation, competition and objectivity. The Model Law contained procedures to allow for standard procurement, urgent or emergency procurement, simple and low-value procurement, and large and complex projects. All decisions and actions taken in the procurement process could be challenged by potential suppliers. Discretion left to government purchasers was subject to safeguards consistent with other international standards, notably those included in the Convention.

86. The observer for the Ethics Office made a presentation on the role of the Ethics Office in preventing corruption and promoting integrity in the United Nations system. She noted that her Office offered an ethical framework to promote a comprehensive culture of integrity and accountability, including codes of conduct; protection of whistle-blowers and persons reporting suspected instances of corruption; awareness-raising measures; and ethical leadership and decision-making processes. In addition, she emphasized the Office's financial disclosure programme, designed to manage risks and enhance public trust in the integrity and reputation of

¹ United Nations publication, Sales No. E.11.IV.5.

the United Nations, as well as identify, mitigate and resolve personal conflicts of interest.

87. The observer for UNODC presented recent activities developed to support countries in assessing areas of special vulnerability to corruption in the public and private sectors. He outlined methodologies that had proved to be effective for assessing attitudes towards, and experience with, corruption. It was recognized that evidence-based approaches could provide solid and accurate information on areas vulnerable to corruption. He highlighted the advantages of surveys that could be tailored to diverse groups, such as the general population, the business community and different sectors within the civil service, and could thus yield specific, policy-relevant information based on actual experience, which in turn would provide comparable results at the international level. Reference was made to the corruption survey in Afghanistan, the survey of civil servants in Iraq, the household and business corruption survey in the western Balkans and two other projects in African and Asian countries.

88. It was noted that statistical analyses of corruption prevention measures and the scale of corruption posed challenges in terms of methodology and implementation. It was highlighted that there was no standardized system for assessing the scale of corruption, which opened a door to a grey area that might give rise to various types of manipulation of corruption-related data. The importance of avoiding a ranking of countries was stressed. It was suggested that such analytical methodology be discussed more thoroughly in the context of the Conference and the Implementation Review Mechanism, as well as through the Implementation Review Group.

89. A recent initiative launched by an informal group of experts in the area of anti-corruption and academia supported by UNODC, the Office for Economic Cooperation and Development, the International Bar Association and other relevant institutions was presented to the Working Group. The initiative had the objective of developing a comprehensive set of academic educational material on anti-corruption as an open source tool that would help universities and other educational institutions by facilitating the incorporation of teaching modules on corruption into their academic curricula. The material had been developed in close cooperation with a related initiative of the Global Compact Office (Principles for Responsible Management Education), which had established the Working Group on Anti-Corruption in Curriculum Change to focus on teaching material for business schools.

V. Future priorities

90. Several speakers supported the continuation of the functioning of the Working Group with the same mandate. It was suggested that the Working Group should continue to gather information and good practices on the prevention of corruption, in particular through further reporting and information-sharing by States parties. Concern was expressed, however, over the number of diverse forums involved in gathering information and collecting good practices; reference was made to the benefits that could be derived if such efforts were more focused and streamlined. In addition, it was suggested that States parties that had not provided such information

should do so and that States parties that had previously provided information be allowed an opportunity to supplement and update that information.

91. It was further suggested that, in the future, the Working Group should focus more on specific substantive issues than on general statements and updates. Conflict of interest was one issue that had been identified as a priority, particularly because of the complexities involved in addressing the issue in different legal systems. Financial disclosure and public-private partnerships were also identified as a priority issue. It was noted that the Working Group should not overlook the informal economic sector in that regard, in particular in emerging markets.

92. Other speakers suggested that the benefits of the Working Group could be enhanced if the secretariat would catalogue or systematize information gathered from States parties through statements and written submissions. That information, it was noted, could be further supplemented by links to international organizations and other resources. It was suggested that the Working Group seek to derive greater benefit from work undertaken by international and non-governmental organizations in order to identify good practices and information regarding measures to prevent corruption. In addition, it was suggested by several speakers that discussions of the Working Group could be organized using a panel discussion format to facilitate debate and dialogue regarding priority issues identified by the Working Group. It was further suggested that the Working Group develop and adopt a multi-year workplan to identify priority areas and articles of the Convention and elaborate approaches and various options to addressing those priority areas.

93. Emphasis was placed on the need to avoid duplication of activities and redundancy in the gathering and cataloguing of information related to the prevention of corruption. Importance was placed on identifying specific good practices and various options that could be available to States parties for consideration when adopting measures to prevent corruption. It was noted that the Working Group should be conscious of the fact that some options might work well in certain legal, social or cultural environments but might not be effective in others.

94. Several speakers noted with appreciation that productive discussions and positive interactions had taken place during the meeting of the Working Group and that the Group was in the process of elaborating its scope, methodology and way forward. It was suggested that those issues could be further discussed at the fourth session of the Conference.

VI. Adoption of the report

95. On 24 August 2011, the Working Group adopted the report on its meeting (CAC/COSP/2011/WG.4/L.1 and Add.1 and 2).