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Conflicts of Interest and Asset Declarations

3rd intersessional meeting of the open-ended
intergovernmental Working Group on Prevention

27 – 29 August 2012, Vienna



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Conflicts of interest and UNCAC

- Key provision of UNCAC on Conflicts of Interest:
 - Article 7, paragraph 4

- Measures cited by States also provided evidence of good practices in relation to:
 - Article 8 (Codes of Conduct for Public Officials)
 - Article 9 (Public Procurement)



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Conflicts of Interest – Written Standards

- Declaratory standards and values
- Application of prohibitions and restrictions to public officials
 - General Prohibitions
 - Prohibitions and restrictions relating to activities in the private sector
 - Restrictions on the solicitation or acceptance of gifts
- Specialised written standards for “high risk” areas



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Implementation of Conflict of Interests Standards

- **Proactive measures** to resolve conflict of interests
- **Divestiture of assets** where potential conflicts are identified
- **Centralised bodies** for the enforcement of conflict of interests standards



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Asset Declaration Requirements

- UNCAC Article 8, paragraph 5
- **Diversity of practice** amongst States as to who should declare and in relation to which assets
- Higher declaration requirements in “high risk” areas



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Monitoring and review of Asset Declarations

- Wide use of centralised authority to enforce asset declaration requirements and assess completed declarations.
- Automated technology increasingly used for the submission and processing of asset declaration forms.
- Divergence of practice as to the public availability of asset declaration forms.



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Potential Points for Discussion

- An area in which significant reforms in a number of States are taking place – A real opportunity for shared learning.
- Transferability of technological solutions to the submission and processing of Asset Declarations.
- The benefits and drawbacks of a centralised enforcement system in relation to both conflicts of interest and asset declarations.
- Proactive measures for the resolution of potential conflicts of interest before they arise.



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Thank you

For further information:

Division for Treaty Affairs

United Nations Office on Drugs and Crime

P.O.Box 500 Vienna

A-1400 Austria

Tel: +43-1-26060-4534

Fax: +43-1-26060-5841





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Reporting Acts of Corruption

3rd intersessional meeting of the open-ended
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UNCAC and the Reporting of acts of corruption

- Key provision of UNCAC on Reporting of acts of corruption:
 - Article 8, paragraph 4

- Measures cited by States also provided evidence of good practices in relation to:
 - Article 33 (Protection of Reporting Persons)
 - Article 10 (Public Reporting)



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Categories of measures adopted by States Parties

- Imposition of **legal obligation** to report acts of corruption.
- **Protection** of individuals who report acts of corruption.
- Reporting mechanisms, training and other awareness-raising **initiatives to facilitate reporting**.



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Imposition of legal obligations to report acts of corruption

- Different legal basis used for imposition of obligation by State Parties – Criminal v Civil
- General Obligation to report criminal acts v Specific duty to report acts of corruption.
- Duty generally applicable to a broad range of civil servants.



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Protection of individuals who report suspected acts of corruption

- **Penalties** for those obstructing / intimidating reporting persons.
- **Anonymous reporting** of suspected acts of corruption.
- Also relevant to implementation of **Article 33 UNCAC**



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Proactive measures to facilitate the reporting of acts of corruption

- **Reporting mechanisms**
 - Distinction between decentralised and centralised systems for the reporting of acts of corruption.
 - Some centralised bodies with advanced powers including investigation powers.
 - Hotlines the most commonly cited example of reporting tool.
- **Training, publications and other awareness-raising activities**



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Potential Points for Discussion

- **Legal basis and formulation of the obligation to report acts of corruption.**
- **Centralised v Decentralised reporting mechanisms – A chance for an exchange of experiences.**
- **Successes and challenges encountered in training and awareness-raising amongst civil servants of their rights and obligations in relation to reporting acts of corruption.**



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