



**UNODC**

United Nations Office on Drugs and Crime

Reference: CU 2014/52(A)/DTA/CEB

The Secretary-General of the United Nations presents his compliments to the [[[FunctionalTitle2]]] and has the honour to draw the attention of the Government to the recommendations of the Open-ended Intergovernmental Working Group on Prevention, established by the Conference of States Parties to the United Nations Convention against Corruption in its resolution 3/2 entitled “Preventive Measures”.

In accordance with the conclusions of the Working Group at its fourth intersessional meeting held in Vienna from 26 to 28 August 2013 (CAC/COSP/WG.4/2013/5, paragraph 8), and as approved by the Conference in its resolution 5/4 entitled “Follow-up to the Marrakech Declaration on the Prevention of Corruption”, the topics for discussion at the forthcoming fifth intersessional meeting of the Working Group to be held in Vienna from 8 to 10 September 2014 will be:

- (a) Mandates of anti-corruption body or bodies in respect of prevention (art. 6) and;
- (b) Public sector legislative and administrative measures, including measures to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties (arts. 5 and 7).

The Working Group had recommended at its second intersessional meeting that in advance of each future 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 (CAC/COSP/WG.4/2011/4, paragraph 12).

The United Nations Office on Drugs and Crime therefore seeks the cooperation of all States parties and signatories to the Convention in providing pertinent information on their relevant initiatives and practices to the Secretariat in relation to the topics for discussion at the fifth intersessional Working Group meeting as outlined above.

[[[FormalSalutation]]]

[[[TitlePrefix]]] [[[FirstName]]] [[[MiddleName]]] [[[LastName]]] [[[PersonSuffix]]]

[[[FunctionalTitle1]]]

[[[FunctionalTitle2]]]

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**Making the world safer from drugs, crime and terrorism**

United Nations Office on Drugs and Crime | Vienna International Centre | PO Box 500 | 1400 Vienna | Austria  
Tel.: (+43-1) 26060-0 | Fax: (+43-1) 26060-5866 | Email: [unodc@unodc.org](mailto:unodc@unodc.org) | [www.unodc.org](http://www.unodc.org)

In order to assist States parties and signatories in the provision of the requested information, the Secretariat has produced a Guidance Note (attached as Annex I) outlining the type of information States parties and signatories may wish to provide in advance of the Working Group in relation to each topic under consideration.

States parties are also encouraged to provide the Secretariat with information on other preventive anti-corruption measures they have adopted in accordance with Chapter II of the Convention that they consider as being of particular interest to the Working Group.

In collecting and disseminating this information the Secretariat hopes to facilitate the sharing of best practices between States parties and signatories and to continue to fulfil its role as an observatory of good practices in relation to the prevention of corruption as mandated in resolution 5/4 of the Conference. As in previous years, the Secretariat will make all submissions provided available online on the website of the Working Group unless a contrary wish is indicated by States parties when providing the relevant information.

The Secretary-General would be grateful if the Government send any pertinent information to the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria, Fax: +43 1 26060 6711 or to e-mail [uncac.cop@unodc.org](mailto:uncac.cop@unodc.org), at its earliest convenience, **but not later than 24 April 2014**.

7 March 2014



## Annex I

### **Guidance Note for the provision of information by States parties for the fourth intersessional meeting of the Working Group on Prevention on 8 to 10 September 2014;**

1. The Secretariat has produced this Guidance Note to assist States parties and signatories in providing information on initiatives and practices they have implemented regarding the two topics under consideration at the fifth intersessional meeting of the Working Group on Prevention taking place from 8 to 10 of September 2014.

2. The Secretariat wishes to recall paragraph 12 of the report of the Working Group on Prevention on its second intersessional meeting, which noted that in advance of each meeting, States parties should be invited to share their experiences of implementing the provisions of the Convention under consideration, preferably by using the self-assessment checklist.

3. In furtherance of this, the Secretariat outlines a set of questions, based on those in the self-assessment checklist, which States parties may wish to use as a guide when providing information regarding the two topics under consideration. States parties are encouraged to view the questions below only as guidance and remain free to provide any information believed to be relevant to the topics under consideration.

#### **I - Information requested from States parties in relation to mandates of anti-corruption body or bodies in respect of prevention (art. 6)**

##### **1. Please describe the measures you have taken to implement art. 6 of the Convention.**

In particular, States parties may wish to cite and describe measures that:

- Allocate responsibility to a specific body or bodies for the development and implementation of preventive anti-corruption policies;
- Outline the institutional structure and approach in relation to the monitoring and evaluation of the national anti-corruption strategy or anti-corruption policies;
- Outline the scope of the mandate of preventive anti-corruption bodies;
- Safeguard the independence of anti-corruption bodies, enable them to carry out their functions effectively and protect them from any undue influence;
- Establish focal points or units within government ministries and departments responsible for the implementation of anti-corruption policies;
- Establish structures to deal effectively with grievances and complaints from citizens, such as an anti-corruption commission, ethics office, auditor general's office, ombudsman office, central procurement office, etc; and

##### **2. Please provide information demonstrating the impact of the work conducted by national bodies with mandates in respect of the prevention of corruption.**

In particular, States parties may wish to provide information such as:

- Key conclusions and recommendations from reports prepared by anti-corruption bodies and institutions;

- Results of public perception surveys regarding the effectiveness and performance of the anti-corruption body or bodies;
- Results from public awareness surveys of the extent of public knowledge about the prevention of corruption;
- Key conclusions and recommendations from evaluation reports on the effectiveness and performance of relevant anti-corruption bodies.

**3. Please outline actions required to strengthen or improve the measures described above and any specific challenges you might be facing in this respect.**

Examples of the types of challenges States parties may have faced include:

- Coordination challenges between anti-corruption bodies and other government agencies;
- Communication challenges with regard to raising awareness of the existence, functions and aims of preventive anti-corruption bodies amongst the public;
- Implementation challenges with regard to the mandate of preventive bodies due to the interference of other branches of government; and
- Financial challenges with respect to maintaining sufficient and consistent funding for preventive anti-corruption bodies.

**4. Do you require technical assistance in relation to the measures described above? If so, please specify the forms of technical assistance that would be required.**

**II - Information requested from States parties in relation to public sector legislative and administrative measures, including measures to enhance transparency in the funding of candidatures for elected public office and, where applicable the funding of political parties (arts. 5 and 7).**

**1. Please describe the legislative and administrative measures you have taken to prevent corruption in the public sector. In particular, please provide information on measures you have taken to enhance transparency in the funding of candidatures for elected public office and the funding of political parties.**

States parties may wish to cite and describe measures that:

- Establish a legal definition of what constitutes a donation or contribution to a candidate for public office or a political party;
- Require public disclosure of donations received by candidates for public office and political parties, including the identity of individual and corporate donors;
- Establish a ceiling or limits on donations that can be made to candidates or political parties;
- Clarify the permissibility and limits applicable to donations by foreign donors or legal entities owned in whole or in part by the State;
- Establish regular financial reporting obligations of donations and expenditures, including pre- and post-election, for candidates and political parties;

- Apply sanctions for the violation of any relevant laws, rules and regulations applicable to political candidates or political parties; and
- Allow for the independent monitoring of financing of political candidates or political parties.

**2. Please provide information demonstrating implementation of the measures described above.**

In particular, States parties may wish to provide information such as:

- Disclosure reports made by candidates for public office and/or political parties;
- Examples or statistics regarding cases involving violations of the political funding provisions, including any sanctions applied or criminal prosecutions that resulted;
- Key conclusions and recommendations from reports produced by government agencies responsible for oversight of the system applicable to the funding of election candidates and political parties; and
- Statistics regarding public perception of integrity and transparency in the funding of election candidates and political parties.

**3. Please outline actions required to strengthen or improve the measures described above and any specific challenges you might be facing in this respect.**

Examples of the types of challenges States parties may have faced include:

- Awareness-raising challenges with regard to ensuring that all candidates for public office and political parties are aware of their obligations under relevant rules and regulations or;
- Financial and technical capacity challenges with regard to the ability of agencies responsible for the enforcement of party political funding regulations to effectively monitor compliance.

**4. Do you require technical assistance in relation to the measures described above? If so, please specify the forms of technical assistance that would be required.**