



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

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**Implementation of Conference resolution 5/4,
entitled “Follow-up to the Marrakech declaration on
the prevention of corruption”, and of the
recommendations made by the Working Group at its
meeting held in August 2013: good practices and
initiatives in the prevention of corruption — thematic
discussion on the mandates of anti-corruption body or
bodies in respect of prevention (article 6 of the
United Nations Convention against Corruption)**

Mandates of anti-corruption body or bodies in respect of prevention (article 6 of the United Nations Convention against Corruption)

Note by the Secretariat

I. Introduction

1. In its resolution 5/4, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, the Conference of the States Parties to the United Nations Convention against Corruption decided that the Open-ended Intergovernmental Working Group on the Prevention of Corruption should continue its work to advise and assist the Conference in the implementation of its mandate on the prevention of corruption and should hold at least two meetings prior to the sixth session of the Conference.

* CAC/COSP/WG.4/2014/1.



2. In that same resolution, the Conference decided that the Working Group should continue to follow the multi-year workplan for the period up to 2015 and thus address, at its fifth meeting, the following topics:

(a) Mandates of anti-corruption body or bodies in respect of prevention (art. 6);

(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).

3. In accordance with the request of the Conference, the present note has been prepared on the basis of information relating to the first topic, that is the mandates of anti-corruption bodies in respect of prevention (art. 6), provided by States in response to the Secretary-General's note verbale of 7 March 2014 and the reminder note verbale of 30 April 2014.¹ As of 24 June 2014, submissions had been received from the following 29 States: Argentina, Bosnia and Herzegovina, Brazil, China, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, France, Germany, Kuwait, Lithuania, Mexico, Morocco, Nigeria, Oman, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Serbia, Sierra Leone, Slovenia, Spain, State of Palestine, Tunisia, United States of America and Venezuela (Bolivarian Republic of). All submissions received by States parties addressed the topic of the mandates of anti-corruption bodies in respect of prevention and have been reflected in the present report.

4. With the agreement of the countries concerned, the full texts of the submissions have been made available on the United Nations Office on Drugs and Crime (UNODC) website of the meeting and will also be incorporated into the thematic website of the Working Group developed by the Secretariat.

5. In accordance with resolution 5/4, the Secretariat also sought the inputs from the private sector in relation to the topics under consideration at the present meeting of the Working Group. In response to a letter dated 27 February 2014, circulated by the Secretariat, three submissions were received by private-sector bodies. While those submissions were not of direct relevance to the topic addressed in the present report, they have been reflected in CAC/COSP/WG.4/2014/3.

II. Analysis of submissions of States parties and signatories

A. Background

6. Chapter II of the United Nations Convention against Corruption places a broad range of requirements on States parties with regard to the prevention of corruption, and, in its opening provisions, places emphasis on the need for States to promote coordination and coherence in the development and implementation of relevant domestic measures.

¹ An account of good practices in the area of 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, in the context of articles 5 and 7 of the Convention, is provided in a separate note by the Secretariat (CAC/COSP/WG.4/2014/3).

7. Article 5 of the Convention requires States parties to, in accordance with the fundamental principles of their legal systems, “develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability”.

8. Under article 6 of the Convention, States are required to ensure that an appropriate institutional framework is put in place to give effect to the coordination and periodic evaluation of the measures to prevent corruption required under article 5. More specifically, States parties are required, in accordance with the fundamental principles of their legal systems, to “ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as: (a) implementing the policies referred to in article 5 of the Convention and, where appropriate, overseeing and coordinating the implementation of those policies; and (b) increasing and disseminating knowledge about the prevention of corruption.

9. Article 6, paragraph 2, requires each State party to grant the body or bodies responsible for implementing preventive policies the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. Furthermore, States parties should provide these bodies with the necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions.

10. Article 36 of the Convention relates to the establishment of bodies specialized in combating corruption through law enforcement, and States parties are again required to ensure that the relevant body or bodies are granted the necessary independence to be able to carry out their functions effectively and without any due influence. While the present report focuses on the role of anti-corruption bodies in the field of prevention, a number of States have elected to establish institutions with a dual mandate in preventive measures and law enforcement. To fully reflect the information provided by States parties, the mandates and functioning of such dual-mandate bodies are also addressed in the present report.

11. Article 6 of the Convention recognizes that the institutional structures States parties put in place in relation to the prevention of corruption will depend on the specific legal and governance context of each State. More specifically, article 6 does not require the establishment of a single anti-corruption body in which all mandates related to the prevention of corruption are consolidated. Instead, article 6 places a broad requirement on States parties to ensure that the allocation of responsibility for policy implementation is clear, and that coordination between different responsible institutions is effective.

12. Information received in advance of the meeting of the Working Group demonstrates that the consolidation of all prevention-related measures into one institution will often be impracticable. Even in countries with long-established specialized anti-corruption bodies, there are a number of measures outlined under chapter II of the Convention that will not fall within the remit of such a body. As an example, policies implemented in accordance with article 11, on measures relating to the judiciary and prosecution services, will often necessitate administration by specialized bodies such as a judicial council, and would not fall under the remit of an anti-corruption body.

13. An increasing number of States parties have, however, found it to be an effective approach to establish a central body to serve as a focal point for the development, implementation and monitoring of policies designed to prevent corruption. That trend was reflected in the development of the Jakarta Statement on Principles for Anti-Corruption Agencies, which recommends 16 key principles, including the establishment of clear mandates, security of tenure and financial autonomy. The Conference of the States Parties took note of the Jakarta Statement in its resolution 5/4.

14. The present note provides reflections on the core requirements of article 6 of the Convention and assesses the successes and challenges indicated by States in their responses.

B. Structure and functions of preventive anti-corruption bodies

Specialized anti-corruption bodies with a primarily prevention-related mandate

15. A number of States, including France, Morocco and the Republic of Korea, had established anti-corruption bodies with a purely preventive mandate. Those types of bodies were responsible primarily for promoting the coherence throughout the government of policymaking related to preventing corruption, both through the establishment of a sound knowledge base regarding corruption trends and through the provision of direct support to government agencies in the development and implementation of relevant legislation and practices. Training and educational activities also formed a core part of their mandate.

16. In France, the Central Service for the Prevention of Corruption was established in 1993 as an interministerial body under the authority of the Ministry of Justice and was headed by a senior member of the judiciary.

17. The core responsibilities of the Central Service mirrored those of a number of other prevention-focused anti-corruption bodies, with an emphasis placed on the collection and dissemination of information on the prevalence of corruption and the engagement of a broad range of stakeholders in anti-corruption reform. Key responsibilities included collecting and analysing information needed to detect and prevent acts of corruption; providing advice to a wide range of government ministries, local authorities and other public bodies with regard to measures for preventing corruption; designing and implementing training programmes for the public and private sectors; and engaging with external stakeholders, particularly universities and institutions of higher education, in relation to anti-corruption education.

18. In Morocco, the Central Authority for the Prevention of Corruption had been established in 2007 under the authority of the Prime Minister. The Central Authority was responsible for the coordination, supervision, implementation and evaluation of policies to prevent corruption and raise public awareness. It made proposals to the national Government regarding the key principles that should be addressed under the national strategy for the prevention of corruption.

19. In addition, the Central Authority was also responsible for coordinating action between relevant public administration bodies in relation to the prevention of corruption. It had entered into partnerships with a broad range of government

ministries, under which increased sharing of information had been facilitated and sectoral corruption studies had been completed. Reflecting the role played by many specialized anti-corruption bodies, the Central Authority was also mandated to receive reports of alleged acts of corruption and to transmit those reports to judicial authorities.

20. Morocco noted, however, that the Central Authority had identified specific constraints on its ability to satisfy those mandates, owing in particular to the legislative framework in which it operated, which, according to the Central Authority, did not provide sufficient clarity regarding its functions and granted only limited administrative and financial autonomy.

21. As a consequence, Morocco noted that there was a lack of clarity regarding the role of the Central Authority in coordinating, supervising and evaluating the implementation throughout the government of policies to prevent corruption. A particular challenge in that regard was the inability of the Central Authority to obtain relevant data, owing to the reticence of other government bodies concerning the voluntary sharing of information.

22. Morocco also highlighted that the Central Authority had raised concerns regarding its limited mandate with respect to the receipt of allegations of acts of corruption. Specifically, the Authority noted that, while it was required to act as a central body for the receipt of such allegations, the lack of any powers relating to initial follow-up or investigation had a negative impact on its ability to ensure that the necessary action was taken by relevant law enforcement authorities. In response to those challenges, the Central Authority had proposed a new law aimed at enlarging and clarifying the competences of the organization, reinforcing its financial autonomy and granting investigative powers to its officials in order to follow up on reports received from members of the public.

23. The Republic of Korea highlighted that its Anti-Corruption and Civil Rights Commission also acted as a centralized hub for the development and coordination of anti-corruption policy among both the central Government and local governments. While primarily preventive in nature, the mandate of the Commission encompassed a wide range of responsibilities relating to the management of public administration.

24. As part of that task, the Commission took a proactive role in conducting integrity assessments of public bodies to identify major corruption risks. It also conducted a broad range of related activities, including receiving and handling reports on suspected corruption, managing the Code of Conduct for Public Officials, providing integrity and anti-corruption training and ensuring protection for reporting persons.

25. Unlike that of many corruption prevention bodies, the mandate of the Commission extended to the hearing of complaints and formal appeals from citizens regarding decisions taken by public bodies. When formal appeals were received, the Commission could take legally binding decisions to nullify the relevant practice or decision and, in some circumstances, to order the agency involved to take corrective measures.

26. The Republic of Korea noted that the integration of the three functions of preventing corruption, handling complaints and hearing administrative appeals had a logical synergy, as all of those areas of work related to the illegal or unfair

performance of duties by public officials. The Republic of Korea expressed the opinion that, by combining those mandates, a clear link had been drawn for the public between the protection of people's rights as citizens and the fight against corruption. That combination of responsibilities had also led to high levels of public awareness of the Commission as the key institution in relation to public administration matters.

Specialized anti-corruption bodies with a dual prevention and investigation mandate

27. States parties, including Argentina, Ecuador, Serbia, Sierra Leone and Slovenia, noted that they had established specialized anti-corruption bodies with a dual mandate addressing both the implementation and coordination of preventive policies and the investigation of alleged corruption offences, in accordance with both articles 6 and 36 of the Convention.

28. In Argentina, the mandate of the Anti-Corruption Office covered both the elaboration, implementation and evaluation of corruption prevention programmes and the receipt and investigation of corruption allegations. Its investigative powers were limited to the completion of a preliminary investigation of the official or relevant institution in relation to which the allegation of corruption had been made. No additional authority was required by the Office in order to conduct that preliminary investigation, following which it could present the relevant facts to the courts if it believed that a crime might have been committed. If state property might have been misappropriated as a result of the actions being investigated, the Office could also act as a party to proceedings.

29. Similarly, in Ecuador, the Council for Civic Participation and Public Oversight, in addition to its broad prevention and citizen engagement mandate, was empowered to investigate reports regarding acts or omissions that gave rise to corruption or that affected the participation of citizens in public affairs. Following completion of an investigation, the Council could produce a report outlining evidence of criminal liability and formulate recommendations regarding the legal action that should be taken. As with the Anti-Corruption Office in Argentina, the Council could act as a party to proceedings that arose as a result of its investigation and, additionally, when a criminal offence was proven, could take action to confiscate property obtained as a result of corrupt activities.

30. A number of States indicated that they had recently expanded, or were presently considering expanding, the mandate of corruption prevention bodies to include investigation and law enforcement responsibilities. That was the case in Slovenia, where the Integrity and Corruption Prevention Act of 2010 had significantly expanded the mandate of the Commission for the Prevention of Corruption in relation to investigations. Under the new legislative framework, the Commission had gained broad powers to require the production of financial and other documentation, question public servants and officials, conduct administrative investigations, instruct law enforcement bodies such as tax administration bodies to gather additional information and evidence, and impose monetary penalties.

31. Similarly, a number of States noted that the administration of asset declaration systems and the enforcement of penalties for failure to comply with such laws had recently been added to the mandate of their corruption prevention bodies. There

were concerns among some States, however, that such additional responsibilities had not been matched by the resources required to effectively carry out those functions. By way of example, Slovenia noted in its response that, for administering and enforcing the new online asset declaration system for 10,000 public officials, the Commission had a budget of only €44,000 and one full-time staff member. Similarly, no additional financial resources had been allocated to maintain the new register of lobbyists.

Bodies primarily responsible for coordination between government agencies in the field of corruption prevention

32. Reflecting the diversity of measures covered under chapter II of the Convention, a number of States, including Bosnia and Herzegovina, Brazil, the Czech Republic, Germany, Lithuania and the Russian Federation, reported that mandates and responsibilities relating to the prevention of corruption had been allocated among a broad range of institutions. Where that was the case, coordination among those institutions was often ensured by the establishment of a working group or a high-level ministerial body responsible for ensuring coherence in implementation.

33. In that regard, the Russian Federation noted that an anti-corruption council had been established in 2008 under the authority of the President of the Russian Federation. The council was tasked with formulating anti-corruption policy proposals for the President, coordinating the activities of federal, local and municipal authorities relating to the implementation of national anti-corruption policy and monitoring the implementation of the national anti-corruption action plan.

34. Some States highlighted challenges regarding the ability of high-level coordination committees to effectively carry out policy oversight and coordination functions. That was the case in the Czech Republic, where the Government Anti-Corruption Committee, composed of ministers from a wide range of government departments, including the ministries of the interior, justice, finance, defence, transport and foreign affairs, had been established for the purpose of coordinating anti-corruption policy implementation, but had not actually met during 2013. As a consequence, the performance of the necessary tasks arising from the national anti-corruption strategy had instead been coordinated at a technical level.

35. In its response, the Czech Republic noted that, owing to the inactivity of the Committee, steps were now being taken to amend its form and structure, including by expanding its membership to include members of professional bodies, academia and civil society organizations.

36. In Germany, a network of contact persons had been established to ensure the consistency of corruption prevention efforts across the federal Government. Under the Government Directive Concerning the Prevention of Corruption in the Federal Administration, a contact person for corruption prevention had been appointed in all federal agencies and charged with a range of tasks, including advising agency management and other staff members on issues relating to corruption prevention, assisting in integrity and anti-corruption training, and monitoring and assessing corruption risks in their respective bodies.

37. In some States, it was noted that, while specialized anti-corruption agencies with consolidated mandates had been established to prevent and investigate corruption, further measures had been required to ensure coordination between those agencies. In Nigeria, specific challenges were noted with regard to coordination between a number of specialized agencies, including the Independent Corrupt Practices and Other Related Offences Commission, the Economic and Financial Crimes Commission and the Code of Conduct Bureau. In response to those challenges, a new coordination mechanism had been established in the form of the Inter-Agency Task Team, which convened regular meetings of the heads of different specialized agencies.

C. Role of preventive bodies in implementing, overseeing and coordinating preventive anti-corruption policies

38. Reflecting the requirements of article 6, subparagraph 1 (a), of the Convention, States parties provided a broad range of examples outlining how centralized coordination bodies had been empowered to conduct effective monitoring, evaluation and reporting in relation to anti-corruption policies. The majority of States highlighted, in particular, the role of such bodies in the implementation of national anti-corruption strategies.

The role of anti-corruption bodies in coordinating and overseeing the implementation of corruption prevention policies

39. The majority of States parties, including Argentina, Bosnia and Herzegovina, China, Ecuador, Lithuania and Mexico, highlighted the role of anti-corruption bodies in acting as the key coordinating body in relation to the implementation of corruption prevention policies across all areas of national government.

40. Serbia outlined the central role of its Anti-Corruption Agency in assisting and coordinating the work of more than 4,000 public institutions relating to the development and implementation of national integrity plans. The Agency had published implementation guidelines regarding national integrity plans, which were designed to harmonize individual plans produced by national institutions by defining the timetable and method for their preparation, their structure and the mechanisms for their monitoring and implementation.

41. The Agency had further developed 69 model examples of integrity plans in the form of web applications to match the specific needs of various types of public institutions. It had also provided specialized training, with approximately 3,950 representatives of state institutions trained in 2012. A similar system was reported to have been instituted in Slovenia.

42. In the Republic of Korea, the Anti-Corruption and Civil Rights Commission had developed guidelines for the implementation of anti-corruption and integrity policies on an annual basis in order to support coordination across government agencies. Annual meetings were held to communicate the content of the guidelines to the inspectors of central government agencies, local government bodies and educational institutions, so as to improve consistency and comprehensiveness in the implementation of the national anti-corruption strategy. The guidelines contained the priorities of the national anti-corruption policy for the upcoming year, best

practices in implementation by government departments and an overview of the implementation level achieved by each public body in the previous year.

43. To support coordination and consistency with regard to the legislative activities of national institutions, a number of States, including Lithuania, Serbia and Slovenia, outlined the role of their corruption prevention bodies in monitoring draft legislation. Lithuania noted that the Special Investigation Service conducted checks on draft legislation to determine its potential impact on the scope of corruption offences and to ensure that policymakers in relevant institutions took into account potential integrity and corruption risks. Such legislative drafting support was provided to the health-care, public procurement, gambling, social housing and energy sectors in 2013.

44. Some States parties also highlighted the placement of representatives of preventive anti-corruption bodies in other government entities in order to promote the coordination of departmental policies and practices with the overarching objectives of the national anti-corruption strategy. In Nigeria, the Independent Corrupt Practices and Other Related Offences Commission had established 348 anti-corruption and transparency monitoring units to serve as focal points in ministries, departments and other national agencies. Such units promoted the coherence of government action with the national anti-corruption strategy. They reported back to the Commission on the relevant activities of the government entity in which they worked.

45. Nigeria noted, however, that the programme had faced significant challenges, including the hostility of host departments and agencies to the presence and work of the units. As a result, members of the units had suffered mistreatment, including harassment, unjustified transfer of professional responsibilities, suspension and, in a limited number of cases, dismissal.

46. In a similar initiative, Sierra Leone had established integrity management committees in individual government departments as part of its national anti-corruption strategy. To date, almost 80 per cent of national government agencies and 100 per cent of local councils had established such committees, with a mandate to support implementation of the recommended actions contained in the national anti-corruption strategy that were relevant to the entity in which they were placed.

47. China also noted its efforts to increase the on-the-ground presence of representatives of the corruption prevention body in order to conduct oversight activities in relation to national government institutions. In that regard, China noted that the newly-adopted 2013-2017 workplan provided an improved system for the inspection of central and local government agencies, with an increased focus on anti-corruption issues and strengthened supervision of the leadership and membership of party organizations at all levels. A number of targeted inspections were conducted in 2013 on issues related to bribery and other forms of corruption, as well as to potential breaches of regulations concerning personnel and organizational discipline.

48. A number of States parties emphasized the role that those outside the public sector, including civil society organizations, could play in supporting corruption prevention bodies in their oversight and coordination activities. Sierra Leone highlighted in particular that its national anti-corruption strategy was monitored

through the use of a coalition of civil society monitoring groups, who provided an independent opinion on the implementation of the strategy, in parallel with the monitoring efforts of the central anti-corruption agency. Sierra Leone noted that the involvement of those outside the public sector in the monitoring and evaluation process had increased public trust in the Government's work in implementing the national anti-corruption strategy.

The role of anti-corruption bodies in evaluating and reporting on the implementation of corruption prevention policies

49. Several States parties, including Argentina, Ecuador, Lithuania, the Republic of Korea, Sierra Leone, Slovenia and the United States, highlighted the role of corruption prevention bodies in publicly reporting on the effectiveness of national anti-corruption policies. In that regard, States emphasized the need to ensure that reports were produced on a regular basis to enhance the accountability of public institutions and to ensure that the public remained informed of the progress in the implementation of national policies and strategies.

50. Argentina noted that its Anti-Corruption Office had to produce a range of different documents as part of its reporting requirements, including a report produced for the Ministry of Justice on each investigation it had concluded, a biannual public report on the progress of the implementation of its mandates and an annual report outlining its recommendations for reform regarding the activities and management of the Office. The Office also distributed a monthly digital bulletin providing an update on its work to a circulation list of more than 1,000 people, including journalists, civil society organizations and public officials.

51. Some States referred to efforts made to produce longer-term evaluation reports that allowed for reflection on the overarching challenges and successes that had come to light during a number of years of corruption prevention efforts. In that regard, Ecuador noted that the report produced by the Commission for Civic Oversight of Corruption entitled "A decade of prevention and combating corruption (1997-2007)", had identified several key challenges regarding the effectiveness of national efforts to prevent corruption, including the need to strengthen interagency coordination. Those challenges had ultimately been addressed in a new constitution, which was adopted in 2008.

52. Many States, including Argentina, Bosnia and Herzegovina, Serbia, Slovenia and the United States, highlighted their use of online platforms to publish and disseminate the results of evaluations of the implementation of national anti-corruption policies. In that regard, the United States reported that the results of on-site reviews of agency ethics programmes conducted by the United States Office of Government Ethics had been made available to the public on the Office's website (www.oge.gov).

53. While many States underlined the importance of strengthening the capacity of corruption prevention bodies to conduct analytical evaluative work regarding the impact of anti-corruption measures, emphasis was placed on the need for the inclusion in national anti-corruption strategies and action plans of clear, measurable objectives and activities if such monitoring work was to be made possible. In that regard, Bosnia and Herzegovina noted that its central Anti-Corruption Agency had worked with individual institutions to develop specialized action plans for

implementation of the broader national anti-corruption strategy, which had allowed for a more effective evaluation process, in cooperation with the relevant individual ministries.

D. Measures to grant the necessary independence, resources and staff to enable corruption prevention authorities to carry out their functions effectively

54. In recognition of the importance of the principle of independence, as reflected in article 6, paragraph 2, of the Convention, States highlighted a range of measures that had been introduced to protect corruption prevention authorities from undue influence. Those measures included legal protection through legislative and constitutional mechanisms, the establishment of transparent and independent appointment procedures and the introduction of measures to provide such authorities with financial autonomy.

Supporting independence through constitutional and legislative mechanisms

55. A number of States, including Argentina, Brazil, Ecuador, France, Kuwait, Qatar, the Republic of Korea, the Russian Federation, Saudi Arabia and the State of Palestine, emphasized how the legal instruments adopted to establish their corruption prevention bodies had been designed to ensure the institutional and functional independence of those bodies. In a smaller number of States, including Ecuador and Tunisia, the authority responsible for the prevention of corruption had been enshrined in the Constitution to enhance its independence in relation to other branches of government.

56. Ecuador noted in that regard that section V of its Constitution detailed the roles and responsibilities of the key authorities responsible for corruption prevention, including the Council for Civic Participation and Public Oversight, the Office of the Human Rights Ombudsman and the Office of the Comptroller General, with article 204 providing that “these entities shall have legal status and administrative, financial, budgetary and organizational autonomy”. Article 205 of the Constitution further stipulated that representatives of such bodies would be granted immunity from prosecution in relation to any act carried out in exercise of their official functions.

57. Similarly, Tunisia noted that, under article 13 of the newly adopted Constitution, a new corporate governance and anti-corruption commission, with full financial and administrative independence, would be established.

58. In Brazil, two of the three principal authorities responsible for the development and implementation of anti-corruption measures, the Office of the Prosecutor General and the Federal Court of Accounts, had their autonomy guaranteed by the Constitution. Brazil noted, however, that, despite the protection afforded under constitutional and legislative provisions, there had been recent attempts to hinder the actions of those agencies through the introduction of legislative amendments and a reduction in their budgets. Brazil also noted that those bodies had been able to resist such attempts thanks in large part to pressure by civil society groups.

Supporting independence through transparent and fair recruitment procedures

59. Beyond legislative and constitutional protections, a number of States parties emphasized how measures introduced to increase transparency in the governance of corruption prevention bodies served to support the autonomy and independence of those bodies.

60. In the Republic of Korea, different methods of appointment of the commissioners responsible for the governance of the Anti-Corruption and Civil Rights Commission had been introduced so as to reduce the opportunity for undue influence to be applied to its membership. While the Chair and Vice-Chairs were appointed by the President on the recommendation of the Prime Minister, three non-standing commissioners were appointed by the National Assembly, three were appointed on the recommendation of the Chief Justice and two were appointed on the recommendation of civil society organizations.

61. In 2010, Slovenia had introduced amendments to the appointment procedures applicable to senior officials of the Commission for the Prevention of Corruption in order to strengthen its independence. Under that process, the Chief Commissioner and two deputies were screened and interviewed by a selection board comprising one representative each from the Government, the National Assembly, non-governmental organizations, the Independent Judicial Council and the Independent Council of Officials. Candidates were recommended to the President of the Republic, who formally appointed the selected candidate. As in the Republic of Korea, there were strict limitations on the removal of senior officials, with dismissal possible only by the President, on either his motion or that of the Parliament, when the commissioner had acted in breach of the Constitution or the law.

62. In Ecuador, the selection of officials of the Council for Civic Participation and Public Oversight was made from among candidates proposed by civil society organizations and the public. Section 207 of the Constitution provided that the selection process should be organized by the National Electoral Council, which must conduct a competitive and merit-based public examination process that was subject to citizen oversight.

63. Many States, including Morocco, Nigeria, the Republic of Korea, Slovenia, the State of Palestine and Tunisia, emphasized the importance of security of tenure for members of corruption prevention bodies in protecting independence. In that regard, States highlighted that fixed-term appointments, for a period of five to nine years, depending on the State concerned, and the imposition of significant restrictions on the circumstances in which officials might be removed from their positions had served as effective measures.

Supporting independence through the provision of sufficient financial resources

64. States underlined the key link between adequate funding and the ability of corruption prevention bodies to act independently. While some States reported that significant resources had been allocated, a majority of States noted the financial pressures that those bodies currently faced.

65. Mirroring the challenges highlighted by a number of States, including Brazil, France, Morocco, Nigeria, Serbia and Sierra Leone, regarding the adequacy of the financial resources provided to corruption prevention bodies, Slovenia stated that

the ability of the Commission for the Prevention of Corruption to fulfil its mandate had been hampered by significant financial and staffing constraints. Slovenia noted that those challenges had become more pressing owing to the extension, under recent amendments to anti-corruption legislation, of the mandate and powers of the Commission to include lobbying, conflicts of interest and asset declarations. While legal mechanisms had been put in place to ensure that the Commission was autonomous in allocating its financial and human resources and priorities, it had been reported that the lack of overall financial support had had a significant detrimental impact on the ability of the Commission to fulfil its mandate.

66. Slovenia further noted that concerns regarding the independence of the Commission, owing in part to the financial constraints that were being imposed on its work, had led to the resignation of its Commissioner in November 2013. Following that, the Commission had issued a call to the Government and the Parliament, outlining 15 concrete points regarding actions that could be taken to further support its effectiveness and independence.

67. Nigeria also identified financial constraints as a significant inhibitor of the effective functioning of corruption prevention bodies and noted that consideration was being given to changing the funding procedures applicable to such bodies so as to reduce their dependence on the executive branch. Public awareness-raising activities were highlighted in particular as a necessary but relatively high-cost measure that could be in jeopardy owing to insufficient funds.

68. Serbia reported that, in order to implement activities in accordance with its mandate, the Anti-Corruption Agency continued to rely primarily on the support of external donors. France noted that, while the Central Service for the Prevention of Corruption benefited from considerable functional autonomy, it did not have financial independence, as its budget and resources came from the Ministry of Justice, under whose authority it operated.

69. A number of States highlighted the legislative mechanisms that had been put in place to support the financial autonomy of corruption prevention bodies. In that regard, Kuwait noted that it had assigned powers from the Ministry of Finance to the head of the Anti-Corruption Authority in order to provide it with the statutory power to determine its budget independently.

E. Role of corruption prevention bodies in increasing and disseminating knowledge about the prevention of corruption

70. In accordance with article 6, subparagraph 1 (b), of the Convention, States parties highlighted a wide variety of ways in which corruption prevention bodies had sought to raise awareness among the public of both the prevalence of corruption in their respective countries and the measures taken by national Governments to combat it.

71. Common measures cited by States in that regard included collecting and analysing data on corruption trends; engaging academia, the private sector, civil society and other non-governmental bodies in the fight against corruption; and conducting awareness-raising and training campaigns, both within government and

among the public more broadly. In conducting such activities, States parties were also implementing measures in accordance with article 13 of the Convention.

Collection, analysis and publication of information regarding the existence and prevalence of corruption

72. In Lithuania, the Special Investigation Service, in cooperation with other public and private sector organizations, had conducted a corruption risk analysis of 26 different areas of public administration, including public procurement procedures, the issuance of construction licences, the administration of social housing and the implementation of conditional release procedures by prison staff. At the conclusion of each risk analysis, conclusions were presented publicly, along with a set of corruption prevention policy proposals to address the main risks that had been identified.

73. Similarly, in Serbia, empirical research had been conducted by the Anti-Corruption Agency on the integrity of specific public bodies, based on the experiences of service users in the sectors of health care, local government and the judiciary. The Agency had publicly presented the findings of its research, which indicated that the relevant public authorities were prone to corrupt practices. Competent institutions were invited to consider the results of the analysis and the associated recommendations when developing relevant anti-corruption policies.

74. Morocco outlined a series of studies that the Central Authority for the Prevention of Corruption had conducted, in cooperation with Transparency International, to identify the impact of corruption on the willingness of private sector enterprises to operate and invest in Morocco. Those studies revealed that the majority of businesses operating in Morocco considered corruption in the public sector to be a significant obstacle to the development of their operations.

75. In Nigeria, the Independent Corrupt Practices and Other Related Offences Commission, with the support of the United Nations Development Programme, had recently sought to enhance its capacity to conduct corruption risk assessments in public administration through the training of 69 corruption risk assessors. Since the introduction of that training programme, 25 corruption risk assessments of different public sector bodies had been completed.

Engaging individuals and groups outside the public sector in the prevention of corruption

76. A number of States, including Argentina, Brazil, Ecuador, France, Mexico, Nigeria, the Republic of Korea, Saudi Arabia and Venezuela (Bolivarian Republic of), outlined how external stakeholders had been directly engaged in the work of corruption prevention bodies.

77. Ecuador reported that, following a report by the Commission for Civic Oversight of Corruption which highlighted the need for greater civic engagement in corruption prevention, a wide range of mechanisms had been introduced to facilitate public participation in the development and implementation of anti-corruption measures. Such measures included the direct involvement of the public in oversight and monitoring activities, including election monitoring and citizen oversight committees, and the enhancement of participatory mechanisms at the local level.

78. In Brazil, the Office of the Comptroller General had conducted a number of activities aimed at incentivizing social participation and oversight to combat corruption. A key initiative in that regard was the first national conference on transparency and public oversight, held in Brasilia in May 2012. Approximately 150,000 citizens had participated in the preparatory phase, held from July 2011 to April 2012, and had been represented by 1,200 delegates in the national meeting.

79. In France, efforts had been made by the Central Service for the Prevention of Corruption to involve local authorities and regional public administration bodies in the development and implementation of corruption prevention policy. An ad hoc working group had been established to allow stakeholders from the different regions of France to provide their views to the Central Service on the key corruption risks in local administrations and to discuss concrete measures aimed at supporting the prevention of corruption in the regions.

80. Many States parties emphasized the significant efforts they had made to engage and raise awareness of national corruption prevention efforts among children and youth organizations. In that regard, the Bolivarian Republic of Venezuela noted that since 2003 it had been implementing a programme entitled “The Comptroller goes to School”, in which school children were required to take action to exercise control over and supervise the correct administration of school resources. The programme, in which 12,472 students from 1,041 schools in 23 different states had participated, served to highlight to students the key corruption risks that existed within schools and how to combat those risks.

81. Similarly, Nigeria noted that it had put in place a number of measures to directly engage children in corruption prevention efforts. The Independent Corrupt Practices and Other Related Offences Commission collaborated with the National Educational and Research Development Council to develop a “national values curriculum” initiative aimed at infusing key anti-corruption ethics and values into the national educational system. The curriculum was integrated into school subjects at all levels of education, and work was in progress to extend the curriculum to polytechnical schools and universities. Additional measures included the introduction of 300 “anti-corruption clubs” in secondary schools, providing a forum in which students could discuss the impact of corruption in Nigeria.

82. Nigeria reported that the Independent Corrupt Practices and Other Related Offences Commission had also sought to engage external stakeholders by establishing the National Anti-Corruption Volunteer Corps, which had almost 12,000 members, and a national anti-corruption coalition, composed of over 350 civil society organizations.

83. In France, the Central Service for the Prevention of Corruption had also developed strong working relationships with institutions of higher education in that country, including with professional training bodies for the police and other public servants.

84. In Mexico, the Transparency and International Cooperation Unit had sought to engage the private sector and civil society organizations in the development of public policies, including anti-corruption reform. Under the Programme for Responsive and Modern Government, new communication channels had been introduced in 2013 to allow external stakeholders to communicate their views to the Federal Public Administration. Citizen participation exercises had been introduced

in 210 public sector institutions which previously had had no mechanism to facilitate the direct engagement of civil society actors.

85. Chambers of commerce and other professional organizations were highlighted by a number of States as being effective partners in engaging private sector entities in corruption prevention efforts. In that regard, Saudi Arabia noted that, as part of its role in implementing the National Strategy to Protect Integrity and Combat Corruption, the National Anti-Corruption Commission had engaged with industry representatives in the preparation of training programmes aimed at sensitizing businessmen and traders to the dangers of corruption. The Commission had also requested chambers of commerce to submit proposals on effective methods of regulation in the financial and business sectors.

Training and awareness-raising activities with regard to the prevention of corruption

86. In many States, corruption prevention bodies also acted as the central institution responsible for the development and implementation of media awareness-raising campaigns relating to the risks and impact of corruption. States parties highlighted a wide variety of mechanisms used by such bodies to convey anti-corruption policies to the public.

87. Since 2008, the Public Ministry of Brazil had led an annual campaign entitled “What do you have to do with corruption?”, with a different theme selected each year. Social media tools had also been employed by corruption prevention bodies, with online social networks used as a key communication channel in the recent awareness-raising campaign led by the Office of the Comptroller General entitled “Small corruption acts: say no”, which sought to raise awareness among the Brazilian public of the fact that regular, small-scale unethical acts had a significant impact on the reputation of public officials.

88. Lithuania outlined similar efforts by its corruption prevention body, the Special Investigation Service, to introduce a major public awareness campaign aimed at encouraging the public not to tolerate corruption and raising awareness among the public of how to report suspected acts of corruption. The campaign used a variety of traditional communication channels to convey its core message, including the broadcasting of advertisements on outdoor screens and on national television networks, the placement on public transport of stickers encouraging the reporting of corruption, the placement of stickers in police cars with a warning against bribing police officers, the introduction of a drawing and essay contest for students and the holding of online question-and-answer sessions by Special Investigation Service officers on an Internet news portal. The Service reported that the number of people coming forward with reports of alleged corruption had increased by 29 per cent as a result.

89. A large number of States emphasized the need to engage modern communication platforms such as social media networks in order to better communicate with the public regarding corruption prevention activities. In the United States, the Office of Government Ethics had launched an official Twitter account (@officegovethics) to increase the visibility of the executive branch ethics programme. Similarly, in the Republic of Korea, an online blog had been developed to promote the work of the Anti-Corruption and Civil Rights Commission; the blog

contained infographics and learning activities for children. To date, the total number of individual users of the blog had reached 4.39 million.

90. In France, the Central Service for the Prevention of Corruption had taken steps to raise awareness and provide training on corruption prevention to private sector bodies. As part of those sessions, the Central Service worked with private sector representatives to develop a draft code of ethics and design early warning ethics systems to detect key corruption risks before they occurred. To increase the audience reached through such activities, training sessions were organized in cooperation with key institutional partners, such as the Chamber of Commerce, the General Confederation of Small and Medium-Sized Businesses and relevant government ministries.

91. Similarly, in Mexico, efforts had been made by corruption prevention bodies to provide training and awareness-raising sessions to private sector representatives. Under a project supported by UNODC, more than 500 representatives of major private sector bodies had received training on key anti-corruption instruments and global initiatives such as the United Nations Global Compact.

92. In some States, the responsibility for the provision of anti-corruption training was vested in a separate specialized educational institution. In the Republic of Korea, the Anti-Corruption Training Institution had been launched in October 2012. It provided a series of specialized anti-corruption training courses for both public servants and those outside of public administration. High-level public officials were offered training through a door-to-door integrity training programme, and courses and lectures had also been made available online.

93. In Argentina, the Anti-Corruption Office had developed an initiative on training in public ethics which was aimed at providing remote training for public officials on issues of ethics and transparency. Two supporting publications had been produced by the Office: *Remote Training System in Public Ethics* and *Ethics, Transparency and Fighting Corruption in Public Administration*, both of which were available on the Office's website (www.anticorruptcion.gov.ar).

F. Cooperation between preventive anti-corruption bodies

94. Many States parties highlighted how their corruption prevention bodies had sought to cooperate with bodies from other jurisdictions in order to share knowledge and exchange good practices, thereby enhancing the effectiveness of their corruption prevention policymaking and implementation. The need for cooperation in that field was implicitly recognized in article 6, paragraph 3, of the Convention which provided that each State party should inform the Secretary-General of the United Nations of the name and address of the authority or authorities that might assist other States parties in developing and implementing specific measures for the prevention of corruption.

95. A number of examples were provided by States parties, including France and the Republic of Korea, in which corruption prevention bodies had provided assistance to one another in order to enhance policy development and implementation.

96. France noted that the Central Service for the Prevention of Corruption had been requested by a number of anti-corruption bodies from other jurisdictions to provide anti-corruption training programmes and that memorandums of understanding had been established for that purpose.

97. As an example, France highlighted the memorandum signed in 2011 between its Central Service for the Prevention of Corruption and the National Anti-Corruption Commission of Cameroon, under which an adviser from the Central Service conducted a training programme in Yaoundé on corruption investigation techniques. A further training programme by Central Service officials in Douala, Cameroon, entitled “Ethics and the fight against corruption in multinational enterprises”, had been provided more recently, in April 2014.

98. The Central Service had also provided a number of training workshops in 2013 to the National Authority for the Fight against Corruption of Tunisia on the management and processing of case files. Central Service officials had also given a seminar in Abidjan in September 2013 to develop a strategic plan of action for the Brigade for the Fight against Corruption, bringing together a range of national stakeholders.

99. The Republic of Korea also outlined a series of training and other activities that it had conducted with other States parties in order to share the lessons learned from its experience in developing the role and functions of the Anti-Corruption and Civil Rights Commission. More specifically, the Commission had worked with a number of countries, including Bhutan, Indonesia, Mongolia, Thailand and Viet Nam, to provide training on the methodology used by the Commission to conduct integrity and corruption impact assessments. Technical assistance had also been provided to Indonesian authorities for the development and implementation of a code of conduct for public officials, and to Vietnamese authorities for a whistle-blower protection and reward system.

100. Further, since 2013, the Commission had held an annual two week anti-corruption training course for international anti-corruption practitioners, which had included participants from Botswana, Cambodia, China, Liberia, Malawi, Malaysia, Mongolia, Morocco, Nepal, Nigeria, Paraguay, Rwanda, Singapore, South Africa, Thailand, the Philippines, Timor-Leste and Zimbabwe.

III. Conclusions and recommendations

101. The information contained in the present report serves to demonstrate the broad range of ways in which States parties have sought to satisfy the requirement under article 6 of the Convention to establish bodies responsible for coordinating and implementing preventive anti-corruption policies. Key thematic distinctions can be drawn between bodies with prevention-only mandates and those with dual prevention and law enforcement mandates, as well as between those States where central bodies play a relatively limited role in ensuring coordination and coherence between different government institutions and States where they play a larger role. As part of its discussions, the Working Group may wish to consider the successes and challenges States have faced with regard to their chosen mechanism or model for policy coordination and implementation.

102. A further key emerging theme is the rapidly increasing number of mandates and responsibilities that have been allocated to corruption prevention bodies. Such bodies may often be responsible for an extremely broad range of tasks in relation to areas such as the development and implementation of codes of conduct for public officials, the completion of studies and public surveys on the prevalence and impact of corruption, awareness-raising, asset declaration systems and access-to-information laws. The diversity and size of the mandates of such bodies is further expanded when States decide to combine preventive and investigative functions into one institution.

103. While the consolidation of functions into a central body continues to be a trend among States parties, information provided in advance of the present meeting of the Working Group has demonstrated that the allocation of additional responsibilities must be matched with the allocation of sufficient resources, in terms of both human and financial capital. From the examples provided by States, there is evidence that many corruption prevention bodies feel that a lack of resources is significantly hindering their ability to conduct their work effectively. In the light of that, the Working Group may wish to consider emphasizing the importance of States providing the necessary material resources and specialized staff to allow corruption prevention authorities to carry out their functions effectively, in accordance with article 6, paragraph 2, of the Convention.

104. As part of its discussions, the Working Group may also wish to consider how preventive anti-corruption authorities can best cooperate to share best practices and conduct joint training, thereby supporting each other's efforts with regard to the effective development, implementation and coordination of preventive anti-corruption policy. Examples provided from France, the Republic of Korea and other States parties show that mutual learning through cooperation is already under way, and the Working Group may wish to consider how all States parties can build on those good practices. As a starting point, the Working Group may wish to take note of resolution 5/4, in which the Conference of the States Parties to the United Nations Convention against Corruption called upon all States parties that had not yet done so to inform the Secretary-General of the United Nations of the designation of competent authorities that might assist other States parties in developing and implementing specific measures for the prevention of corruption, as required under article 6 of the Convention.

105. Finally, the Working Group may wish to request UNODC to continue its efforts to gather information on good practices in relation to the implementation of article 6 of the Convention.