



# UNODC

United Nations Office on Drugs and Crime

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The secretariat of the Conference of the States Parties to the United Nations Convention against Corruption presents its compliments to the permanent missions and permanent observer missions to the United Nations (Vienna and New York) and has the honour to draw the attention of the Government to resolutions 6/1, 6/6 and 6/7 of the Conference of the States Parties, adopted at its sixth session, and to the recommendations of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, established by the Conference in its resolution 3/2 entitled “Preventive measures”.

In its resolution 6/1, the Conference requested the Secretariat to structure the provisional agendas of the subsidiary bodies established by the Conference in such a way as to avoid the duplication of discussions, while respecting their mandates. The Conference, in its resolution 6/7 entitled “Promoting the use of information and communications technologies for the implementation of the United Nations Convention against Corruption”, further requested that the relevant subsidiary bodies discuss promoting the use of information and communications technologies for the implementation of the Convention in order to facilitate public sector transparency and combat corruption, and draw up a list of best practices on how to enhance and promote such use.

In its resolution 6/6, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, the Conference requested the Secretariat to continue, in close cooperation with relevant international organizations, partners and donors, to develop studies, training materials, guides and tools for Governments and sports organizations to enable them to further strengthen measures in that area.

In light of these resolutions, the topics for discussion at the forthcoming seventh intersessional meeting of the Working Group, to be held in Vienna from 22 to 24 August 2016, will be:

- (a) The use of information and communications technologies for the implementation of the Convention in order to facilitate public sector transparency and combat corruption;
- (b) The protection of integrity in sport by promoting good governance in sport and mitigating the risk of corruption that sport faces.

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

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**Collection of information prior to the seventh meeting of the Working Group:** The Working Group recommended at its second intersessional meeting that, in advance of each of its future meetings, States parties should be invited to share their experiences of implementing the measures 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 seventh meeting as outlined above. In order to assist 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 relation to each topic under consideration.

States parties and signatories are also encouraged to provide the Secretariat with new and updated information and good practices on their implementation of chapter II of the Convention, which the Secretariat will gather, systematize and disseminate in fulfilment of its functions as an international observatory, including by updating the thematic website of the Working Group with relevant information, as mandated by the Conference in its resolution 6/6, operative paragraphs 13 and 14.

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 or signatories when providing the relevant information.

The Secretariat would be grateful if the Government could 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 by e-mail to [uncac.cop@unodc.org](mailto:uncac.cop@unodc.org), at its earliest convenience **but not later than 29 April 2016**.

18 March 2016

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## **Annex I**

Guidance note for the provision of information by States parties and signatories for the seventh intersessional meeting of the Working Group on the Prevention of Corruption

1. The secretariat has produced this guidance note to assist States parties and signatories in providing information on initiatives and practices that they have implemented regarding the two topics to be considered at the seventh intersessional meeting of the Working Group on the Prevention of Corruption, to be held from 22 to 24 August 2016.
2. The secretariat wishes to recall paragraph 12 of the report of the Working Group on its second intersessional meeting (CAC/COSP/WG.4/2011/4), in which the Group recommended that, in advance of each of its meetings, 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 order to facilitate the provision of such information, the secretariat has prepared the following set of questions, which to the extent possible are based on those in the self-assessment checklist, as a guide that States parties and signatories may wish to use when providing information on the two topics to be considered. States parties and signatories are encouraged to view the questions only as guidance and are free to provide any information believed to be relevant to the topics under consideration.

### **I. Information requested from States parties and signatories in relation to the use of information and communications technologies for the implementation of the Convention in order to facilitate public sector transparency and combat corruption**

1. **Please describe (cite and summarize) the measures/steps your country has taken, if any (or is planning to take, together with the related appropriate time frame) to use information and communication technologies (ICT) to ensure full compliance with the Convention.**

**In relation to integrity in public procurement and management of public finances (article 9),** States parties and signatories may wish to provide information on measures that:

- Utilize online platforms for the distribution of information relating to public procurement and tenders as a way to prevent corruption, enhance transparency and ensure competition and objective criteria in procurement decision-making.

Information sought may, in particular, include the following:

- Description of any electronic system of public procurement, including, for example:
  - The means by which tender invitations are published;
  - The inclusion of all pertinent information on the award of contracts;
  - Ways in which applications may be submitted (including the use of electronic procurement platforms); and
  - Ways in which the criteria to be used for selection and award are publicized.

When providing information on the use of ICT to increase the transparency of procurement processes, States parties and signatories may wish to refer to their submissions for the sixth intersessional meeting of the Working Group, held in 2015.

**In relation to public reporting (article 10)**, States parties and signatories may wish to provide information on measures that:

- Make available online, including in open data formats, government information relating to the implementation of the Convention, in order to foster greater transparency, accountability and efficiency;
- Promote the use of online platforms or portals to enhance transparency in public administration, including information on the organization, functioning and decision-making processes of the public administration and on decisions and legal acts.

Information sought may, in particular, include the following:

- Use of websites, online libraries, online archives or other means by which information on the organization, functioning and decision-making processes of the public administration is made available to the general public;
- Outline of the laws, procedures or regulations allowing members of the general public to obtain information on the organization, functioning and decision-making processes of the public administration through information and communications technologies;
- Description of the type of information to be proactively made available and automatically published by the Government through online platforms and websites, including details of:
  - The types of bodies required to publish information;
  - The scope of the information that is published;
  - The means by which the information is published;
  - How often the information is updated;
- Description of the types of information to be made available upon request by a member of the public (i.e. legislation on freedom of information or access to information);
- Standards to protect privacy and personal data in the disclosure of such information;
- Description of online initiatives to raise public awareness with regard to the information available and how it can be accessed online;
- Examples of proactive publication of information online without a special request.

**In relation to participation of society (article 13)**, States parties and signatories may wish to provide information on measures that:

- Establish e-government mechanisms, online platforms, smartphone applications, mobile telephone-based reporting and social media to enhance the effective and efficient participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;
- Enhance the transparency of, and promote the contribution of the public to, decision-making processes, in particular through the use of online platforms to facilitate consultation with the public on issues relating to the prevention of and fight against corruption;
- Promote public information activities, including through the use of information and communications technologies, that contribute to non-tolerance of corruption, as well public education programmes;
- Respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption, in particular through online mechanisms;

- Provide public access, including through online mechanisms, to relevant anti-corruption bodies for the reporting, including anonymously, of any incidents that may constitute an offence established in accordance with the Convention.

Information sought may, in particular, include the following:

- **In relation to enhancing the transparency of and promoting the contribution of the public to decision-making processes (article 13 (1) (a)):**
  - Description of how ICT is used to promote citizen and stakeholder involvement in decision-making processes, such as through large-scale consultations, online platforms, working groups, task forces, citizen referendums and community meetings, and measures to promote such involvement;
  - Description of ICT measures adopted to promote an institutional culture of transparency, open data, open-door policies and regular communication between the Government and civil society;
  - Description of ICT measures adopted to allow members of the public to decide or contribute to decisions on how to allocate parts of the public budget in specific institutions;
  - Description of ICT measures adopted to provide opportunities for individuals and groups outside the public sector to be consulted during legislative drafting processes;
  - Description of the ways in which ICT is used to facilitate public consultations before regulations or other administrative policies are issued, and of any consequences of failure to adhere to the requirement to facilitate such public participation.
- **In relation to ensuring that the public has effective access to information (article 13 (1) (b)):**
  - Legislation, regulations, policies and procedures regarding public access to information through ICT, such as online platforms, including details regarding:
    - Means by which requests may be submitted (in writing, via Internet, by telephone);
    - The types of bodies required to publish information;
    - The scope of the information published;
    - Any information that must be submitted by the requester as part of the request for information;
    - Costs charged to submit a request
    - Applicable time limits within which the Government must respond to the request;
    - Grounds on which a request by a member of the public for information may be denied;
  - Description of staff or entity responsible for administering access to information requests;
  - Description of steps taken to ensure that existing laws, regulations, policies and procedures regarding access to information are widely known and accessible to the public;
  - Description of the means by which the public is informed of how to access information.
- **In relation to undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula (article 13 (1) (c)):**
  - Description of public information (education and awareness-raising) activities that contribute to non-tolerance of corruption, particularly those using ICT, including specific initiatives targeting groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations;

- Description of various means and/or technologies that have been used for the purposes of undertaking public information activities;
  - Description of the use of ICT in educational courses or modules that have been introduced in primary and secondary schools that include components on corruption or related issues such as ethics, civil rights or governance;
  - Description of the use of ICT in university courses or modules that include components on corruption or related issues such as public administration, public procurement, ethics, criminal law or corporate governance.
- **In relation to respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption (article 13 (1) (d)):**
    - Outlines of the procedures or regulations that ensure the freedom of the public to seek and receive information concerning corruption, in particular using ICT. States parties and signatories may wish to include the following information, if applicable:
      - The extent to which such information is proactively and systematically published by the Government online;
      - The extent to which such information is available upon online request for access to information by a member of the public;
    - Any restrictions applicable to exercise of the freedom to seek, receive, publish and disseminate such information, in particular using ICT, including:
      - Restrictions necessary for respect of the rights or reputations of others (libel and defamation laws, etc.);
      - Restrictions necessary for the protection of national security or *ordre public* or of public health or morals;
    - Description of how such restrictions are applied in practice;
    - Description of procedures that allow a member of the public to apply for review of, or appeal against, the application of such a restriction by the Government.
  - **In relation to taking appropriate measures to ensure that the relevant anti-corruption bodies are known to the public and providing access to such bodies for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with the Convention (article 13 (2)):**
    - Description of online public information campaigns that promote awareness of the existence of anti-corruption bodies;
    - Description of the means by which members of the public are provided with access to such bodies, particularly through ICT, for the reporting of acts of corruption;
    - Description of the operational mechanisms and applicable procedures for such reporting channels, including reporting obligations, information to be provided and whether reports may be made anonymously.
- 2. Please outline actions required to ensure or improve the implementation of these articles and describe any specific challenges you might be facing in this respect.**

Examples of the types of challenge that States parties and signatories may face include the following:

- Developing the appropriate legislative framework for using ICT to facilitate public sector transparency and combat corruption;
- Building ICT infrastructure, including development of software and hardware solutions, to serve a broad range of stakeholders;

- Low levels of usage of ICT systems by the public owing to poor Internet access or other reasons;
- Building the capacity of the relevant governmental authorities to effectively implement legislation on transparency and access to information;
- Availability of data in open formats and difficulties in building accessible databases;
- Difficulties in the coordination of action taken by government agencies to implement adopted legislation and policies.

**3. Do you require technical assistance for the implementation of these articles? If so, please specify the forms of technical assistance that would be required. For example:**

**Legislative assistance:** Please describe the type of assistance

**Institution-building:** Please describe the type of assistance

**Policymaking:** Please describe the type of assistance

**Capacity-building:** Please describe the type of assistance

**Research/data-gathering and analysis:** Please describe the type of assistance

**Facilitation of international cooperation with other countries:** Please describe the type of assistance

**Others:** Please specify

**4. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of assistance, including donor information.**

**II. Information requested from States parties and signatories in relation to promoting good governance in sport and mitigating the risk of corruption that sport faces globally**

**1. In the context of prevention, please describe (cite and summarize) the measures/steps your country has taken (or is planning to take, together with the related appropriate time frame) to promote good governance and mitigate the risk of corruption in sport.**

Information sought may, in particular, include the following:

- **Legislation and policy**
  - Good governance and/or anti-corruption legislation or policies (strategies, codes or other policies) that have been developed by the State party;
  - Training of relevant officials and stakeholders in good governance and/or anti-corruption policies relevant to sport;
  - Risk assessments of areas or sectors related to good governance and corruption in sports;
  - Establishment of policy implementation, institutional or coordination mechanisms (allocated budget, designated responsible institutions, establishment of coordination structures, etc.).
- **Partnerships and inter-institutional coordination**
  - Description of how the participation of relevant stakeholders is promoted, including whether they are consulted and involved in the development, implementation, coordination and monitoring of policies;
  - Measures to promote cooperation, coordination and exchange of information between law enforcement authorities, sports governing bodies and/or the private sector in relation to integrity in sport;

- Description of partnerships with relevant stakeholders (e.g. educational institutions, local communities and the private sector) to use sport to promote core values, in particular accountability, transparency and integrity.

**2. In the context of enforcement, please describe (cite and summarize) the measures/steps your country has taken (or is planning to take, together with the related appropriate time frame) to ensure the detection, investigation and prosecution of criminal offences linked to sport integrity.**

Information sought may, in particular, include the following:

- Examples of criminal cases involving offences linked to integrity in sport (corruption, money-laundering, organized crime, match-fixing, etc.);
- Criminalization of sport-specific offences such as match-fixing, competition manipulation, illegal betting and betting manipulation;
- Activities and training to develop the capacity of investigators, prosecutors and other relevant officials in relation to criminal offences linked to integrity in sport;
- Establishment of specialized law enforcement or prosecutorial units responsible for dealing with offences relating to integrity in sport;
- Development of cooperation and coordination mechanisms to promote interaction between law enforcement authorities and relevant stakeholders, such as sport organizations or private-sector entities, in relation to criminal offences relating to sport.

**3. Please outline actions required to promote good governance in sport and mitigate the risk of corruption and describe any specific challenges you might be facing in this respect.**

Examples of the types of challenge that States parties and signatories may face include:

- Developing an appropriate legislative framework in relation to good governance and corruption in sport (e.g. match-fixing, competition manipulation, illegal betting and betting manipulation);
- Bringing together government representatives and relevant international, sports and private-sector organizations to identify and implement good practice standards and helping officials to combat corruption in sport;
- Supporting the work of law enforcement and investigation services and sports organizations in the assessment of corruption risks and in the development of effective responses.

**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. For example:**

**Legislative assistance:** Please describe the type of assistance

**Institution-building:** Please describe the type of assistance

**Policymaking:** Please describe the type of assistance

**Capacity-building:** Please describe the type of assistance

**Research/data-gathering and analysis:** Please describe the type of assistance

**Facilitation of international cooperation with other countries:** Please describe the type of assistance

**Others:** Please specify

**5. Is any technical assistance already being provided to you? If so, please provide a general description of the nature of assistance, including donor information.**