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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 [[[FunctionalTitle2]]] and has the honour to draw the attention of the Government to resolutions 7/5 and 7/6 of the Conference of the States Parties, adopted at its seventh session, and to the recommendations of the Open-ended Intergovernmental Working Group on Prevention, established by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 3/2 entitled “Preventive Measures”.

In its resolution 7/6, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, the Conference decided that the Working Group 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 eighth session of the Conference.

In its resolution 7/5, entitled “Promoting preventive measures against corruption”, the Conference decided that the Working Group should include as the topic for 2018 the use and effectiveness of asset declaration systems and conflicts of interest. The topics for discussion at the ninth intersessional meeting of the Working Group, to be held in Vienna from 6 to 7 September 2018, will therefore be:

- (a) preventing and managing conflicts of interest (art. 7, para. 4); and
- (b) asset and interest disclosure systems (art. 8, para. 5).

Collection of information prior to the ninth meeting of the Working Group: 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).

[[[FormalSalutation]]]
[[[TitlePrefix]]] [[[FirstName]]] [[[MiddleName]]] [[[LastName]]] [[[PersonSuffix]]]
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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 ninth intersessional Working Group meeting as outlined above.

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.

In its resolution 7/6, the Conference requested States parties to continue sharing information on good practices in preventing corruption and requested the Secretariat to continue its work as an international observatory, including by updating the thematic website of the Working Group with relevant information. States parties and signatories are therefore 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.

As in previous years, the Secretariat will make all submissions provided ahead of the next Working Group meeting available online unless a contrary position is indicated by States parties or signatories when providing the relevant information. In doing so, the Secretariat hopes to facilitate the sharing of good practices between States parties and signatories.

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 to e-mail uncac.cop@unodc.org, at its earliest convenience, **but not later than 25 April 2018**.

27 February 2018



Annex I

Guidance Note for the provision of information by States parties for the ninth intersessional meeting of the Working Group on Prevention from 6 to 7 September 2018

1. The Secretariat has produced this Guidance Note to assist States parties in providing information as to initiatives and practices they have implemented regarding the topics under consideration at the ninth intersessional meeting of the Working Group on Prevention taking place from 6 to 7 of September 2018.
2. The Secretariat wishes to recall paragraph 12 of the report of the Working Group on Prevention on its second intersessional meeting, in which the Group recommended that States parties should be invited to share their experiences of implementing the provisions of the Convention under consideration in advance of each meeting, preferably by using the self-assessment checklist.
3. In furtherance of this, the Secretariat outlines below a selection of issues based on the questions from the self-assessment checklist that 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 information 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 preventing and managing conflicts of interest (art. 7, para. 4)

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 ensure full compliance with these provisions of the Convention, and in particular to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

Information sought may include:

- Description of specific conflict of interest standard(s), indicating if these standards:
 - Are publicized widely;
 - Regulate the outside activities of public officials;
 - Prohibit the holding by public officials of certain types of assets or positions in legal entities that are incompatible with their primary functions, such as an individual sitting on the board of a company;
 - Limit the official actions a public official may take because of a conflict of interest;
 - Apply criminal, administrative or other sanctions where public officials do not comply with applicable conflicts of interest regulations;

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- Description of training or advisory services to public officials regarding relevant conflicts of interest regulations;
- Description of public access to information on government processes in which there is a higher risk of conflict of interest between the interests and activities of a public official and the particular type of government process;
- Description of the specific duties and responsibilities of the specialized staff or bodies given responsibility to strengthen transparency and prevent conflicts of interest in government;
- Description of the institutional structure and procedures to oversee the compliance with conflict of interest legislation and apply respective sanctions.
- Description of the measures aimed at preventing conflicts of interest concerning former public officials in private entities, such as:
 - Restrictions, for a reasonable period of time, on the professional activities of former public officials;
 - Restrictions, for a reasonable period of time, on the employment of former public officials by the private sector after resignation or retirement;

2. Please outline the actions required to ensure or improve the implementation of the measures described above and any specific challenges you might be facing in this respect.

Examples of the types of challenges States parties may face include:

- Challenges in developing the proper legislative or regulatory framework for managing or preventing conflicts of interest;
- Challenges in administering conflict of interest systems;
- Challenges in relation to specific recruitment, selection or training requirements for categories of positions considered especially vulnerable to corruption, including possible early identification of potential conflicts of interest;
- Challenges in providing ethical guidance or advice to public officials; and
- Challenges in communication, and in particular in raising awareness and disseminating information about new standards of conflict of interest or in developing training manuals, courses, curricula or other related material, including online initiatives, used in training programmes for public officials.

3. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

- **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

States parties are also encouraged to provide a description of any such assistance already being provided, including donor information.

II - Information requested from States parties in relation to asset and interest disclosure (art. 8, para. 5)

1. Please describe (cite and summarize) the measures your country has taken, if any, (or is planning to take, together with the related envisaged time frame) to ensure full compliance with article 8 (5) of the Convention, and in particular to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

Information sought may include:

- Description of the objectives of the declaration system applicable to public officials (prevention of conflict of interest, illicit enrichment, or both [dual system]).
- Where such a declaration system is in place, you may wish to provide information on the following:
 - Types (categories) of public officials required to make declarations and approximate total number of persons submitting declarations;
 - Information that must be declared (assets, outside activities and employments, positions in companies, other associations, gifts and other benefits, liabilities, etc.);
 - Frequency of declarations required;
 - How declarations are submitted (in paper format, electronically, in person) and the entities to which they are submitted;
 - Availability of tools and advisory services that officials can use in order to comply with their disclosure-related obligations (guidelines for filling out forms, resources for learning about conflict of interest issues, resources for receiving tailored advice on specific conflict of interest situations, etc.);
 - Whether information is declared on assets of public officials' family members or members of public officials' households and under which circumstances such information is provided;
 - What mechanisms are in place for ensuring compliance with the obligation to disclose;
 - Whether there is public access to any of this information;
- Any mechanism in place to carry out the verification/monitoring of the content of declarations; including information on the verification mechanism, such as:
 - How many disclosures are verified (all, a certain percentage, etc.);

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- What triggers verification (complaints, routine verification/ex-officio, notifications from other institutions, random selection, etc.);
- What processes are involved in the verification/review process (checks for internal consistency, cross-checks with external databases, comparisons across years, identification of potential conflicts of interest, etc.);
- What information can be accessed during the verification/review process (from public officials or public and private sector entities);
- What happens once irregularities are identified (potential conflicts of interest, unjustified variations of wealth, inaccurate information, etc.);
- Whether and to what extent the content of disclosures (in summary form or all information disclosed) or names of persons submitting declarations are made available to the public and other public sector entities and, moreover, how the information is made available (upon individual request, on-line, etc.);
- Number of trained staff dedicated to collection, compliance, providing advisory services to officials, making disclosures publicly available, verification, sending referrals to other entities; what types of sanctions are available in the declaration system (for non-submission, actual conflict of interest, false statement, illicit enrichment, etc.).

2. Please outline the actions required to ensure or improve the implementation of the measures described above and any specific challenges you might be facing in this respect.

Examples of the types of challenges States parties may face include:

- Challenges related to developing and adoption of the legal framework of the assets and interest disclosure system;
- Challenges related to the functioning of the asset and interest disclosure system and in particular:
 - Challenges related to submission of the declarations;
 - Challenges related to verification of the declarations;
 - Challenges related to the follow up and to imposing sanctions;
 - Challenges related to the transparency of the regime; and
- Challenges related to resources limitations, lack of capacity, etc.

3. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

- **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

States parties are also encouraged to provide a description of any such assistance already being provided, including donor information.

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