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Open-ended Intergovernmental Working Group on the Prevention of Corruption

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Item 2 (a) of the provisional agenda*

**Implementation of relevant Conference resolutions:
good practices and initiatives in the prevention of
corruption: enhancing the effectiveness of
anti-corruption bodies (article 6 of the United
Nations Convention against Corruption)**

Enhancing the effectiveness of anti-corruption bodies (article 6, paragraphs 1 and 2, of the United Nations Convention against Corruption)

Background paper prepared by the Secretariat

I. Introduction

1. In its resolution 6/1, entitled “Continuation of the review of implementation of the United Nations Convention against Corruption”, the Conference of the States Parties to the United Nations Convention against Corruption 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. In its resolution 6/6, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, the Conference requested the United Nations Office on Drugs and Crime (UNODC) to identify comparative good practices on measures to prevent corruption and to facilitate the exchange of expertise and lessons learned among States parties.
2. In its resolution 8/8, also entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, the Conference 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 ninth session of the Conference.
3. In its resolution 8/7, entitled “Enhancing the effectiveness of anti-corruption bodies in fighting corruption”, the Conference decided to include the issue of enhancing the effectiveness of anti-corruption bodies in the agenda of the Working Group.

* CAC/COSP/WG.4/2020/1.



4. Pursuant to those resolutions and following consultation with States parties, the topic of enhancing the effectiveness of anti-corruption bodies (art. 6, paras. 1 and 2, of the Convention) has been included in the agenda of the present meeting for consideration by the Working Group.
5. At its second meeting, held in Vienna from 22 to 24 August 2011, the Working Group recommended that, in advance of each of its meetings, 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. The Working Group requested the Secretariat to prepare background papers summarizing that information and decided that panel discussions should be held during its meetings, involving experts from countries that had provided written responses on the priority themes under consideration.
6. In accordance with the above, the present report has been prepared on the basis of the information on the implementation of article 6 of the Convention provided by Governments in response to a note verbale of the Secretariat dated 5 February 2020, and of an analysis of the executive summaries of country review reports issued under the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. As at 5 March 2020, submissions had been received from the following 22 States parties: Austria, Botswana, Bhutan, Central African Republic, Chile, China, Croatia, Democratic Republic of the Congo, Egypt, Indonesia, Lebanon, Mauritius, Morocco, Netherlands, Paraguay, Saudi Arabia, Serbia, Sierra Leone, Spain, United Arab Emirates, United States of America and Venezuela (Bolivarian Republic of).
7. With the agreement of the States parties concerned, the full text of the submissions has been made available on the UNODC website¹ and incorporated into the thematic web page developed by the Secretariat.²
8. The present report does not purport to be comprehensive but rather endeavours to provide a summary of the information submitted by States parties and signatories.

II. Analysis of submissions by States parties and signatories

A. Thematic background

9. The effectiveness of anti-corruption measures is one of the main aims of the Convention. Under its article 1, it is stipulated that one of the three purposes of the Convention is to promote and strengthen measures to prevent and combat corruption more efficiently and effectively. This is reflected in the text of individual articles of the Convention, where the term “effective” appears in various forms more than 40 times altogether.
10. Article 6, paragraph 1, of the Convention provides that each State party shall, in accordance with the fundamental principles of its legal system, 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 this Convention and, where appropriate, overseeing and coordinating the implementation of those policies; and (b) increasing and disseminating knowledge about the prevention of corruption.
11. Furthermore, article 6, paragraph 2, provides that each State party shall grant the body or bodies referred to in its paragraph 1 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. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

¹ See www.unodc.org/unodc/en/corruption/WG-Prevention/session11.html.

² See www.unodc.org/unodc/en/corruption/WG-Prevention/preventive-anti-corruption-bodies.html.

12. The Convention clearly identifies a number of key elements for enhancing the effectiveness of anti-corruption bodies, namely, “necessary independence”, “material resources” and “specialized staff”, as well as “training” for staff “to carry out their functions”.

13. The Convention also stipulates in its article 61, paragraph 3, that each State party shall consider monitoring its policies and actual measures to combat corruption and making assessments of their effectiveness and efficiency. This issue is also specifically addressed in its article 5, paragraph 3, which provides that each State party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

14. In this regard, the Conference noted in its resolution 8/7 the Regional Conference on the Effectiveness of Anti-Corruption Agencies and Financial Intelligence Units in Fighting Corruption and Money-Laundering in Africa, held in Mauritius in May 2018, in collaboration with the African Development Bank, at which the need to develop effectiveness indicators and a monitoring and evaluation framework for anti-corruption agencies had been identified.

15. In the same resolution, the Conference of the States Parties also recognized that increasingly complex and sophisticated methods were being used to avoid anti-corruption measures and acknowledged the emerging challenges in the fight against corruption and other offences covered by the Convention. Furthermore, the Conference encouraged States parties to give adequate consideration and resources to enhance the effectiveness of anti-corruption agencies and agencies with anti-corruption responsibilities, consistent with article 6 of the Convention, in order to meet the emerging challenges in preventing and combating different forms of corruption.

16. The importance of the existence of anti-corruption bodies and their role in the prevention of corruption has been underlined in various resolutions of the Conference, such as resolutions 3/2, 5/4, 6/6, 7/5 and 8/7. The Conference, in its resolutions 5/4, 7/5, 8/7 and 8/8, has also called upon States parties to take note of the Jakarta Statement on Principles for Anti-Corruption Agencies, adopted at the International Conference on Principles for Anti-Corruption Agencies held in Jakarta on 26 and 27 November 2012.

17. To promote the independence and effectiveness of anti-corruption authorities, the Jakarta Statement recommends 16 key principles, including the establishment of clear mandates, security of tenure and financial autonomy. In this regard, the Conference of the States Parties noted in resolution 8/7 that the participants of the Jakarta Conference had called for accountability and the safeguarding of political, functional, operational and financial independence as a means of ensuring the effectiveness of anti-corruption authorities.

18. The Working Group has addressed the implementation of the provisions of article 6 of the Convention at its fifth intersessional meeting, held in Vienna in 2014 under the topic “Mandates of anti-corruption body or bodies in respect of prevention”. In its analysis of submissions of States parties and signatories for that meeting, the Secretariat concluded that key thematic distinctions could 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 played a relatively limited role in ensuring coordination and coherence between different government institutions and States where they played a larger role ([CAC/COSP/WG.4/2014/2](#), para. 101).

19. The Secretariat also observed that a key emerging theme was the rapidly increasing number of mandates and responsibilities that had been allocated to corruption prevention bodies, and that while the consolidation of functions into a central body continued to be a trend among States parties, information provided had demonstrated that the allocation of additional responsibilities must be matched with

the allocation of sufficient resources, in terms of both human and financial capital. Indeed, there was evidence that many anti-corruption bodies felt that a lack of resources was significantly hindering their ability to conduct their work effectively (ibid., paras. 102–103).

20. Many States parties have multiple anti-corruption bodies (for example, Chile, Croatia, Egypt and Lebanon). It is worth noting that the Convention does not prescribe a single-agency model to prevent and combat corruption. The Convention only requires the existence of a body or bodies to prevent corruption. At the same time, many States parties have established anti-corruption bodies with multipronged mandates. For example, in Bhutan, the Anti-Corruption Commission is responsible for prevention, education, the investigation of corruption and international cooperation.

21. In order to provide guidance on the implementation of article 6 of the Convention, as requested in resolution 7/6, the Secretariat convened a Global Expert Group Meeting in Colombo, in July 2018, to develop the Colombo Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies. Launched at a side event at the eighth session of the Conference of the States Parties, in Abu Dhabi, the Colombo Commentary is based on international norms and good practices and aimed at assisting States parties in implementing their obligations under the Convention.

B. Elements to enhance effectiveness

22. State parties emphasized various elements that enhance the effectiveness of anti-corruption bodies. They underlined independence as a key element, notably the financial autonomy, legal basis and powers of those bodies and the appointment procedure and security of tenure of their heads. Additional elements included specialized staff and their adequate training, financial and material resources and national and international cooperation.

23. States parties also noted the relevance of solid internal procedures and controls for anti-corruption bodies, as well as the existence of mechanisms to monitor and evaluate their activities. Many also highlighted the importance of public engagement by strengthening whistle-blower protection and enhancing communication and public engagement.

24. Some States parties underlined the positive role of technology in enhancing the effectiveness of anti-corruption bodies, the need for anti-corruption bodies to be client-oriented and the importance of their being supported by an enabling environment. Lastly, one State party underscored the role of non-conviction-based asset forfeiture as a legal tool contributing to the effectiveness of its anti-corruption body.

1. Independence

25. Independence is essential for the effectiveness of anti-corruption bodies. This is recognized in article 6 of the Convention and has been repeatedly underlined by the Conference. While various States parties have strengthened or are in the process of strengthening the independence of their anti-corruption bodies, for example, by anchoring them in their constitution (Bhutan, Central African Republic, Chile and Egypt), increasing their powers (Egypt, Morocco, Paraguay, Serbia and United States) or ensuring their financial autonomy (Austria, Indonesia, Netherlands and Spain), many anti-corruption bodies continue to suffer from a lack of independence.

26. The analysis of the executive summaries of the country review reports issued under the second cycle of the Implementation Review Mechanism shows that half of the States parties for which the second cycle review had been finalized received a recommendation to strengthen the independence of their anti-corruption body or bodies designated under article 6.

27. Several States parties noted in their submissions for the present meeting the importance of independence for anti-corruption bodies. Several also recalled the importance of the Jakarta principles to strengthen the independence and effectiveness of anti-corruption bodies. One State party suggested that those principles be rendered legally binding to enhance their effectiveness.
28. Austria mentioned budgetary autonomy as one of the elements contributing to the effectiveness of its Federal Bureau of Anti-Corruption.
29. The High Authority for Good Governance of the Central African Republic and the National Financial Intelligence Unit of the Democratic Republic of the Congo both reported enjoying financial autonomy.
30. Chile, on the other hand, reported that, while administratively independent, its various anti-corruption bodies lacked financial autonomy.
31. In China, the National Supervision Commission draws up its own budget on the basis of the budget law and the regulations of the Ministry of Finance.
32. In Lebanon, a bill on the establishment of a national anti-corruption commission contains provisions to ensure financial autonomy, administrative independence and immunities for its members. Meanwhile, various national institutions are involved in preventing corruption, such as the Court of Audit, the Central Inspection Board and the Special Disciplinary Committee.
33. In the Netherlands, both the Court of Audit and the National Ombudsman are responsible for managing their financial resources and for estimating the budget requirements needed to implement their mandates.
34. In Saudi Arabia, the revamped Control and Anti-Corruption Authority, formerly named the Anti-Corruption Commission, enjoys financial autonomy and administrative independence and reports directly to the King. Owing to their special status, the Authority investigators, are granted judicial immunity and may be held accountable, while exercising their duties, only in line with special rules and procedures.
35. In Spain, the Anti-Fraud Office of Catalonia manages its budget autonomously.
36. In Croatia, the Commission for the Resolution of Conflicts of Interest has been established as a permanent, independent and autonomous State body. The President and members of the Commission may not have been members of any political party in the five years before the date of submission of their candidacies to the Commission and must be permanently employed by that body. The Information Commissioner is elected following a public call by Parliament and may not be impeached, taken to custody or punished for expressing opinions and undertaking professional actions.
37. In Bhutan, the Chair and two Commissioners of the Anti-Corruption Commission are appointed by the King, for a fixed five-year term guaranteed under the Constitution, on the basis of a list of nominations submitted jointly by the Prime Minister, the Chief Justice, the Speaker, the Chair of the National Council (upper house) and the leader of the opposition party.
38. In China, the Supervision Law guarantees that the National Supervision Commission exercises supervision power independently, in accordance with the law, and is not subject to interference by any administrative body, social group or individual. The Commission is composed of a director, several deputy directors and several members. The director is elected by the National People's Congress, while the deputy directors and the members are appointed or removed by proposal of the director of the Commission to the Standing Committee of the National People's Congress.
39. In Indonesia, the Commissioners of the Corruption Eradication Commission are appointed through an elaborate selection process regulated by law. That process involves a selection committee established by the Government, an open recruitment process allowing civil society to comment on the adequacy of the candidates, and

Parliament ultimately endorsing the candidates. In 2019, a supervisory board appointed by the President was set up to oversee the activities of the Commission.

40. In Egypt, the Constitution guarantees security of tenure for the heads of independent bodies and regulatory authorities. These include various anti-corruption bodies, such as the Central Auditing Organization and the Administrative Control Authority.

41. In the Netherlands, the National Ombudsman and the Deputy National Ombudsman are appointed by the lower house for a period of six years. Appointments follow a public vacancy announcement and a selection procedure by a selection committee. The committee consists of the Vice-President of the Council of State, the President of the Supreme Court and the President of the Court of Audit.

42. In Spain, the head of the Anti-Fraud Office of Catalonia is elected by the Parliament for a nine-year term. The head of the Office for the Prevention of and Fight against Corruption of the Balearic Islands is elected by a three-fifths majority in the Parliament of the Balearic Islands. The members of the Council of Audit in Galicia are nominated for six years.

43. In the United States, the Government Accountability Office is an independent, non-partisan agency that works for Congress, the legislative body of the United States. It investigates how the Federal Government spends the taxpayers' money. The head of the Office, the Comptroller General, is appointed for a 15-year term by the President from a list of candidates proposed by Congress.

44. In Bhutan, the Anti-Corruption Commission is not dependent on the Office of the Attorney-General to initiate prosecution, and it may prosecute cases if they are not taken forward by that Office.

45. In Morocco, a legislative bill is being drafted with the aim of strengthening the powers of the National Authority for Probity, Prevention and the Fight against Corruption. The bill is aimed at strengthening the coordination role of the Authority, ensures its involvement in legislative drafting, provides for a mandatory advisory role, accords probative force to its written reports, allows for anonymous whistle-blowers to file denunciations and provides staff with powers to detect corruption.

46. In Paraguay, a law is being drafted to consolidate the powers of the National Anti-Corruption Secretariat to prevent and combat corruption by providing that Secretariat with greater ability to undertake investigations.

47. In Serbia, a law on the prevention of corruption was adopted in May 2019 and will enter into force in September 2020. The law will considerably extend the powers of the Anti-Corruption Agency and strengthen its independence, complementing its existing preventive, control and oversight competencies.

2. Specialized staff and training

48. In Bhutan, the Anti-Corruption Commission has faced difficulties in recruiting professionals with the necessary skills. Moreover, the retention of existing staff has been challenging. As a result, the Commission has been understaffed for some time, but it expects to achieve the projected staff strength of 152 staff in 2020. The Commission staff benefited from 59 capacity-building activities in 2019, mostly funded by the Government and development partners, such as the United Nations Development Programme and UNODC. Despite those efforts, the Commission reports that it is facing challenges with regard to the availability of the specialized capacity development programmes that it needs, owing to the withdrawal of many development partners.

49. In Botswana, the Directorate on Corruption and Economic Crime established an Anti-Money-Laundering Unit in 2019 to tackle money-laundering and related crimes with staff specialized in complex cases. Furthermore, the Directorate has recruited highly experienced officials in such areas as engineering, finance, accounting, risk

management, quality assurance, monitoring and evaluation. The Directorate provides on-the-job training to its staff and uses the Commonwealth Africa Anti-Corruption Centre for training.

50. In the Central African Republic, the High Authority for Good Governance organized various workshops to train its staff on the law establishing the Authority, on the concept of good governance and on the African Peer Review Mechanism.

51. In Chile, the Comptroller General of the Republic has at its disposal more than 2,000 staff, who are continuously trained by a dedicated capacity-building department (more than 200 capacity-building activities were organized in 2019).

52. In China, the National Supervision Commission, in collaboration with the China Academy of Discipline Inspection and Supervision, develops training programmes for its staff. Such programmes are designed to familiarize staff with supervision operations, develop their knowledge of laws, regulations, policies and working procedures and enhance the investigators' ability to collect evidence.

53. In Egypt, an academy affiliated with the Administrative Control Authority was established when the national anti-corruption strategy for the period 2019–2022 was launched. The academy provides specialized courses to staff of anti-corruption bodies in Egypt and aims to train 500 anti-corruption officials by 2022.

54. In Indonesia, the Corruption Eradication Commission established the Anti-Corruption Learning Centre as a centre of excellence for anti-corruption education and capacity-building for national stakeholders and international partners. The Commission also established the Anti-Corruption Clearing House as a platform to share information on corruption prevention and law enforcement.

55. In Saudi Arabia, the Control and Anti-Corruption Authority established its own anti-corruption training centre, which provides training programmes, including those in cooperation with relevant international organizations, such as the International Anti-Corruption Academy and the World Bank. In 2019, the centre delivered 10 specialized programmes to staff of the Authority, relevant governmental agencies and representatives of counterpart institutions in partner countries.

56. In Serbia, a financial forensic service has been established to analyse financial documentation, identify financial flows and provide advice to government agencies. Multi-agency task forces have been established to deal with complex cases of corruption. In addition, specialized departments have been established in the police, prosecution services and courts to ensure a higher level of expertise and greater effectiveness of anti-corruption bodies.

57. In Sierra Leone, 117 employees work on the prevention of corruption.

58. In Spain, the National Anti-Fraud Coordination Service recruits its staff through merit-based selection procedures. The Service comprises specialized staff with auditing and accounting expertise. Such staff are trained at the Institute for Fiscal Studies of the Ministry of Finance. The Anti-Fraud Office of Catalonia comprises a multidisciplinary team of lawyers, economists, political scientists, educators, communication experts and engineers to deal with the multifaceted manifestations of corruption.

59. In the United States, the Council of the Inspectors General on Integrity and Efficiency is an independent entity established within the executive branch to promote integrity and effectiveness across a variety of government agencies. The Council aids in the establishment of a professional, well-trained and highly skilled workforce in the Offices of the Inspectors General. The Office of Government Ethics is another institution involved in the prevention of corruption, which comprises 70 full-time officials, including experts in financial disclosure, ethics programme management and ethics in law and policy. The Office has adopted an employee development plan to provide appropriate education and training.

3. Financial and material resources

60. In Bhutan, the Anti-Corruption Commission has an annual budget of approximately \$2 million. The budget has been increased by 6.5 per cent since the previous financial year. Most development partners have phased out from the country, and most integrity and anti-corruption programmes are now supported by the Government.

61. In the Central African Republic, one of the main reported challenges is the lack of infrastructure and financial resources, together with a situation of insecurity across the country. The National Anti-Corruption Committee has no building, but only a small office within the Office of the Prime Minister, which functions as both a meeting room and office space. There is no budget allocation for its activities. The members of the Committee are not remunerated and receive no indemnity.

62. Similarly, in the Democratic Republic of the Congo, although funds are formally allocated to the anti-corruption bodies, they are sometimes not disbursed.

63. In Chile, the Comptroller General of the Republic has at its disposal extensive premises across the country, many of them built in the past 10 years, with modern equipment and facilities.

64. In Indonesia, the budget of the Corruption Eradication Commission has been relatively stable, representing around 0.038 per cent of the national budget over the past four years. The Commission has financial autonomy to manage its budget allocation, subject to audit by the Audit Board of the Republic of Indonesia.

65. In Lebanon, the main challenge faced by the institutions in charge of preventing and combating corruption is the lack of financial resources. As a result, the State relies on support from donors.

66. In the Netherlands, the annual budgets of the anti-corruption agencies vary, with the Court of Audit having at its disposal a budget of more than €31 million, the National Ombudsman a budget of more than €18 million and the Whistle-Blowers Authority a budget of €3 million.

4. National and international cooperation

67. In Bhutan, the Anti-Corruption Commission works closely with the Ministry of Education and tertiary education institutions to promote integrity and behavioural changes against corruption among the younger generations. Schools have instituted integrity clubs, and educational modules have been developed. The Royal Audit Authority and the Anti-Corruption Commission regularly refer cases to each other. Such referrals may include irregularities observed during audits and complaints received by the Commission. The two anti-corruption bodies meet biannually to follow up on and review the status of their respective referrals.

68. In Egypt, there exist a number of anti-corruption bodies: internal oversight bodies in the public sector, the Central Auditing Organization, financial oversight bodies, the Central Agency for Organization and Administration, the Administrative Prosecution Authority, the Illegal Gains Department, the General Department of Public Funds Crimes Investigation Police, the National Security Agency and the Egyptian Money-Laundering and Terrorist Financing Combating Unit, the General Authority for Non-Banking Financial Supervision and the Administrative Control Authority. In order to coordinate work among those various bodies, the National Coordinating Committee for Combating Corruption was established in 2010. Other entities supplement the coordination efforts of the Committee on specific issues. Such entities are the National Subcommittee for Preventing and Combating Corruption, the Panel of Experts, the State Land Recovery Committee, the National Coordination Committee on Anti-Money-Laundering and Combating the Financing of Terrorism, the National Committee for the Recovery of Funds and Assets and the Supreme Committee for Legislative Reform.

69. In the Central African Republic, with a view to coordinating national efforts, the High Authority for Good Governance established four specialized commissions with a thematic focus on such specific issues as transparency in the exploitation and management of natural resources, nepotism, cronyism and partisan management in the public sector.

70. In Indonesia, the Corruption Eradication Commission cooperates closely with the Ministry of State Apparatus and Bureaucratic Reform and the Election Commission to ensure compliance of public officials with their asset disclosure obligations. This is reported as a key factor in the success of the asset disclosure regime. The Ministry has set a requirement for public officials to submit their asset disclosure reports to the Corruption Eradication Commission before being promoted or rotated to other positions. Similarly, the Election Commission requires that all election candidates submit asset disclosure reports. This has effectively improved compliance with the asset disclosure measures in the country.

71. In Lebanon, the draft law designed to establish a national anti-corruption commission would entrust it with powers to implement relevant international agreements.

72. In Paraguay, an Inter-Institutional Network for Transparency and Anti-Corruption is responsible for the coordination of policies, plans and programmes concerning transparency, integrity, good governance and the fight against corruption.

73. In the United States, the Inspector General Empowerment Act of 2016 stipulates that federal inspectors general are entitled to full and prompt access to agency records, thereby eliminating any doubt as to whether agencies are legally authorized to disclose potentially sensitive information to inspectors general. As a result, inspectors general are able to conduct audits, reviews and investigations in an independent and efficient manner.

74. In the Bolivarian Republic of Venezuela, 19 institutions contribute to the fight against corruption. National coordination is undertaken by such instances as the executive branch of government and the National Human Rights Council.

75. In Botswana, the Corruption and Economic Crime Act, as amended in 2018, allows the Directorate on Corruption and Economic Crime to share information with its counterparts abroad.

76. In Bhutan, the Anti-Corruption Commission has concluded bilateral memorandums of understanding with various foreign anti-corruption authorities in the region. The Commission also takes active part in regional and multilateral forums on anti-corruption. A bill on mutual legal assistance is being drafted to bring the legislation of Bhutan in line with the Convention.

77. In China, the National Supervision Commission is responsible for planning and coordinating international anti-corruption cooperation with other countries, regions and international organizations, including for the implementation of international anti-corruption treaties.

78. The National Authority for Probity, Prevention and the Fight against Corruption of Morocco acceded to the Network of Authorities for the Prevention of Corruption during the fourth meeting of the Network, held in Tunis in October 2019. The Network, established with the support of the Council of Europe, aims to strengthen international cooperation in the prevention of corruption and to exchange good practices among anti-corruption bodies with prevention mandates.

79. The Bolivarian Republic of Venezuela signed numerous bilateral mutual legal assistance treaties to facilitate cooperation, including in corruption cases.

5. Monitoring and evaluation

80. In Bhutan, the Anti-Corruption Commission has received more than 5,800 complaints since its creation in 2006. The number of complaints varies between 300 to 400 per year, with an average of 35 complaints per month, without significant variance, indicating continued trust in the effectiveness of the institution. Over the past five years, the annual average caseload of investigations has been around 50 cases.

81. In Botswana, the Directorate on Corruption and Economic Crime has established a monitoring and evaluation unit to improve performance and achieve organizational results. Its goal is to improve the management of outputs, outcomes and impact.

82. In the Democratic Republic of the Congo, the Observatory for the Surveillance of Corruption and Professional Ethics and the National Financial Intelligence Unit compile statistics on the number of cases handled and transmitted to the justice system.

83. In the United States, the Office of Government Ethics is responsible for decentralized ethics programmes operating through 130 executive branch agencies to prevent conflicts of interest and ensure compliance with financial disclosure processes. The Office has a compliance division that conducts regular reviews of the ethics programmes of the agencies to identify strengths and weaknesses.

6. Internal procedures and controls

84. In Austria, the Federal Bureau of Anti-Corruption has developed internal risk and compliance management systems, internal controls, quality checks and an evaluation of its preventive activities to improve its effectiveness.

85. In Bhutan, all officials at the Anti-Corruption Commission are guided by an ethical code of conduct, which provides that all staff must: display professional excellence; conduct duties without fear or favour, prejudice or ill will, avoiding all forms of discrimination; maintain the highest degree of confidentiality; exercise courtesy and restraint in words and action; and take no undue advantage of their authority and position.

86. In the Central African Republic, the High Authority for Good Governance has developed and adopted internal rules and procedures.

87. In Chile, the Comptroller General of the Republic undertakes internal audits that are made available on its website in a transparent manner. The Office of the Public Prosecutor has adopted a code of conduct and set up a helpdesk for ethical issues and a website with information providing a secure and confidential reporting channel for whistle-blowers.

88. In China, the National Supervision Commission has established internal oversight bodies to oversee staff performance. The Supervision Law also expressly stipulates that the staff must be a model of compliance with the Constitution and the laws, be devoted to their duties, enforce the law impartially, be honest and upright, not disclose confidential information, be competent and conscientiously accept oversight.

89. In Indonesia, the Corruption Eradication Commission has developed a strict code of ethics for its commissioners and employees. Staff found guilty of corruption in a court of law are punishable by longer jail sentences.

90. In Serbia, the Anti-Corruption Agency has adopted merit-based procedures for promoting highly qualified personnel and attracting new employees. The internal processes and procedures of the Agency are periodically analysed and simplified to eliminate redundancies and improve staff efficiency.

7. Whistle-blower protection

91. In Botswana, the whistle-blowing legislation mandates anti-corruption bodies to effectively ensure the carrying out of disclosures to assist the Directorate on Corruption and Economic Crime and other stakeholders in achieving their objectives.

92. In Chile, the Comptroller General of the Republic has set up an online platform for whistle-blowers, where users can report wrongdoings by public officials. The identity of those reporting wrongdoings is protected. The number of reports has increased from about 2,500 in 2013 to nearly 20,000 in 2019, a substantial increase indicating trust in the institution.

93. In Croatia, a whistle-blower protection act was enacted in February 2019 and entered into force in July 2019. It entrusts the Ombudsman with a mandate to protect persons reporting wrongdoings.

94. In Egypt, several systems have been set up to help civil servants and citizens to report acts of corruption to the relevant authorities. Such systems, established in all regulatory bodies and some public administrations, include hotlines, websites, social networks, fax and mobile phone numbers, as well as dedicated offices known as “complaint reception offices” or “citizens’ service offices”.

95. In Indonesia, the Corruption Eradication Commission has a whistle-blower system to enable reports of corruption to be submitted anonymously.

96. In Saudi Arabia, a royal decree issued in May 2018 includes non-retaliation measures and provisions to protect public officials who report acts of financial and administrative corruption. Furthermore, the Control and Anti-Corruption Authority includes a whistle-blower unit that, inter alia, monitors the implementation of the order.

97. In Serbia, a law on whistle-blower protection was adopted in 2014 and an awareness-raising campaign entitled “Report corruption” has been developed to encourage citizens to report wrongdoings.

98. In Spain, the Anti-Fraud Office of Catalonia has set up a mailbox to receive anonymous denunciations and uses new technology to ensure the full confidentiality of communications in order to protect whistle-blowers.³ The Valencian Anti-Fraud Agency may impose fines of up to €400,000 on persons disrupting the professional or personal life of whistle-blowers, refusing to cooperate or undermining the work of the Agency.

99. In the United States, the Office of Special Counsel serves as a channel for federal employees to disclose government wrongdoings. The Office may forward such disclosures to the competent authority for an investigation or propose corrective actions.

8. Communication and public engagement

100. In Botswana, the Directorate on Corruption and Economic Crime has developed strategic partnerships with the private sector and civil society through formal agreements and memorandums of understanding to broaden community participation in the fight against corruption.

101. In Bhutan, anti-corruption is considered a collective responsibility. The Constitution provides that every person has the duty to uphold justice and to act against corruption. Awareness-raising and education programmes targeting different audiences at the local and national levels are regularly carried out. An increasing number of sector-specific thematic training sessions are also held, for example, for human resource officers, engineers, judicial personnel, finance and procurement officers, local government officials and hydropower and financial experts.

³ The Office uses the Tor browser (www.torproject.org/) to ensure anonymity.

102. In Chile, one of the strategic objectives of the Comptroller General of the Republic is to raise citizens' awareness of its work in order to make the Office of the Comptroller General known as an independent institution ensuring the good use of public resources. To that end, the Comptroller General has created a social media unit responsible for sharing information on the audits and achievements of the institution. The number of followers increased from about 20,000 in March 2018 to more than 270,000 in January 2020. The Office of the Comptroller General also involves civil society organizations in the implementation of its activities.

103. In Indonesia, the Corruption Eradication Commission engages communities to instil the value of integrity in all segments of society. The Commission has developed partnerships with various movements or events, such as the "I, Women against Corruption" movement, the Anti-Corruption Movement by Persons with Disabilities, in Bandung, and the Anti-Corruption Film Festival.

104. In Saudi Arabia, the reporting system includes nine channels that operate 24 hours a day, including through a mobile phone application and a WhatsApp number. The Control and Anti-Corruption Authority cooperates with 12 governmental entities under the Community Participation Programme to Protect Integrity and Combat Corruption and supported the establishment of 49 integrity clubs in public and private universities and military colleges to develop the principles of integrity and transparency among students.

9. Technology

105. In Indonesia, the Corruption Eradication Commission introduced an e-system for managing asset declarations. These declarations are submitted annually, as well as upon taking and leaving office. Ninety per cent of declarants use the online electronic declaration system. Verification is carried out by the Commission through linkages with other databases and automated processes. A summary of the declarations is publicly available online.

106. In Paraguay, the National Anti-Corruption Secretariat has developed an open data portal with information on the number of complaints received, the number of cases resulting in administrative and disciplinary procedures, the number of cases under investigation and the number of cases transferred for public prosecution.

107. In Saudi Arabia, the Control and Anti-Corruption Authority has developed a mobile application linked to a tool that measures the level of transparency of services provided by agencies.

108. In Serbia, the Anti-Corruption Agency is bolstering its information technology infrastructure and drafting a strategy for information technology development.

109. In the United Arab Emirates, the Supreme Audit Institution encourages anti-corruption bodies to adopt innovative means and tools to carry out their tasks more effectively and efficiently through the use of technology.

10. Client orientation

110. In Chile, the Office of the Public Prosecutor has adopted a strategic plan that seeks to enhance the efficiency of its work, for example, by including victims and witnesses as key actors with rights in criminal procedures and by focusing on quality service for the users of the Office.

111. In Serbia, a new law on lobbying entered into force in August 2019 and was commended by the Group of States against Corruption of the Council of Europe as an innovative and modern law to regulate lobbying activities. The Anti-Corruption Agency maintains a register of lobbyists and legal entities conducting lobbying. Moreover, the Agency adopted a code of conduct for participants in lobbying, a rule book on the format and content of forms of request, notices, records and a training programme for lobbyists. The Agency has already conducted three cycles of training for lobbyists for 46 participants.

11. Enabling environment

112. Anti-corruption bodies never operate in a vacuum. Their effectiveness also depends on the political, economic and social contexts. Commitment to driving anti-corruption reforms forward is critical. Decent civil servant salaries, a corruption-free prosecution authority and an independent judiciary, a transparent and accountable public administration, the freedom to seek, receive and publish information on corruption and the participation of society in the prevention and fight against corruption are all considered factors that contribute to creating an enabling environment for anti-corruption bodies.

113. In Botswana, the President has vowed to fight corruption and urged the anti-corruption bodies to enhance their strategies and efforts. Anti-corruption ranks second, after job creation, on the list of priority areas established by the President. Accordingly, a number of high-profile cases have been brought before the courts of law.

12. Asset forfeiture

114. In Botswana, the Directorate on Corruption and Economic Crime established an asset forfeiture unit, following the entry into force of the Proceeds and Instruments of Crime Act in 2014. The Act introduced non-conviction-based asset forfeiture, which provides for the seizure and forfeiture of proceeds of crime without the need for a criminal conviction. An Office of the Receiver and a Confiscated Assets Trust Fund have also been established.

C. Performance indicators

115. The evaluation of anti-corruption bodies often relies on output indicators, such as the number of laws and policies reviewed, the number of investigations conducted or the number of prosecutions initiated. While this is important to show whether an anti-corruption body has performed certain activities or not, it is not always conclusive as to the impact and effectiveness of those measures. Moreover, the data need to be collected regularly and in a systematic manner for them to serve as a benchmark against which progress can be measured.

116. In Bhutan, one of the National Key Results Areas of the past two quinquennial development plans is “corruption reduced”. Accordingly, the National Integrity and Anti-Corruption Strategy (2019–2023) was developed in consultation with national stakeholders.

117. In China, following the establishment of the National Supervision Commission in 2018, such figures as the number of investigations conducted, the number of criminals apprehended, the amount of assets recovered and the number of fleeing public officials apprehended have been regularly published.

118. In Egypt, the national anti-corruption strategy for the period 2019–2022 comprises key performance indicators for each objective. The secretariat of the National Subcommittee for Preventing and Combating Corruption issues annual reports on performance against those indicators.

119. In Mauritius, in May 2018, the Independent Commission Against Corruption organized a two-day regional conference on the effectiveness of anti-corruption agencies and financial intelligence units in fighting corruption and money-laundering in Africa. In the conference communiqué, the participants called for the development of a set of comprehensive, reliable and objective indicators to assess and measure effectiveness to guide anti-corruption bodies. Mauritius emphasized the importance of going beyond technical compliance with international standards on anti-corruption, to assess the effectiveness of the legal and institutional instruments in producing the expected results of reducing and minimizing corruption.

120. In Saudi Arabia, a national database platform has been developed to evaluate the performance of the Control and Anti-Corruption Authority and the effectiveness of its work. The platform uses different tools, such as the reports and statistics of law enforcement agencies, aggregated data collected through a reporting mechanism, the judicial platform on financial and administrative corruption cases, studies and statistics, the national integrity perception index and a tool that measures the level of transparency of services provided by agencies.

121. In Serbia, information is shared annually with the European Commission on: statistics on criminal investigations of corruption offences and financial investigations; data on confiscated property in cases of corruption offences and information on final judgments; and statistics on corruption prevention mechanisms, such as asset and income declaration and verification, conflicts of interest and control of financing of political activities.

122. In the United Arab Emirates, the Supreme Audit Institution considered that anti-corruption bodies could be benchmarked against a set of principles, such as the Jakarta principles. The Government noted that indicators of effectiveness could include the contributions of anti-corruption bodies to the implementation of the Convention, the country reviews carried out under the Implementation Review Mechanism, and the implementation of Sustainable Development Goal 16.

D. Ways to assess effectiveness

123. State parties assess the effectiveness of their anti-corruption bodies in various ways. Many such bodies issue annual reports on their activities, achievements and challenges, effectively self-assessing their effectiveness and providing useful information to third parties. Such reports are often analysed by parliamentary committees and other legislative oversight bodies. In some States parties, the heads of anti-corruption bodies are able to discuss those annual reports with elected representatives, providing an opportunity to jointly assess the effectiveness of the anti-corruption bodies.

124. Some States parties have also developed or supported national anti-corruption household surveys, which collect data on the perceptions and experiences that citizens have of corruption and anti-corruption measures in their countries. These surveys sometimes explicitly ask respondents about their experience or perception concerning various anti-corruption bodies. Such statistical data can provide useful insights into the effectiveness of specific anti-corruption bodies, especially if the surveys are undertaken regularly and allow for comparison and the identification of trends.

125. Moreover, several international instruments, such as the Implementation Review Mechanism, allow for an assessment of the effectiveness of anti-corruption bodies by considering their level of independence, the availability of specialized staff and their capacities and material resources.

126. Many multilateral and bilateral technical assistance providers undertake assessments of anti-corruption bodies when formulating or implementing technical assistance programmes. Experts and external evaluators are often called upon to undertake such assessments. For those experts to be able to assess the performance of anti-corruption bodies properly, it is important that, in addition to their expertise in their field, they familiarize themselves with the specific reality on the ground.

127. Some States parties, such as Austria, Indonesia and Sierra Leone, reported that they continued to rely on corruption perception indices as one of the means to assess the performance of their anti-corruption bodies. Nonetheless, the Conference has requested in its resolution 8/10 that UNODC, in coordination with the Statistical Commission and in close cooperation and consultation with States parties, continue expert-level consultations on identifying and refining methodologies on the issue of the measurement of corruption in order to develop proposals on a comprehensive,

scientifically sound and objective framework for the purpose of assisting States parties, upon their request, in measuring corruption, consistent with the Convention.

1. Annual reports by anti-corruption bodies

128. In Bhutan, the Anti-Corruption Commission prepares an annual report on its performance for submission to the King, the Prime Minister and Parliament. The annual report takes stock of the Commission's interventions, lessons learned and challenges encountered and provides recommendations for enhanced effectiveness.

129. In the Central African Republic, the various anti-corruption bodies have been issuing annual reports for several years.

130. In Egypt, the Central Auditing Organization and the Administrative Control Authority submit annual reports, including on the effectiveness of anti-corruption efforts and on efforts to enhance public awareness.

131. In Indonesia, the Corruption Eradication Commission publishes annual reports on its website, both in English and in Indonesian.

2. Oversight by legislative bodies

132. In Chile, the Comptroller General of the Republic submits regular reports documenting the main results of audits and consolidated information by sector to the Chamber of Deputies.

133. In China, the National Supervision Commission is accountable to the National People's Congress and its Standing Committee, both of which provide oversight.

134. In Croatia, the Commission for the Resolution of Conflicts of Interest and the Information Commissioner submit annual reports to Parliament.

135. In Egypt, Parliament discusses its reports on the implementation of the national anti-corruption strategy with staff of the technical secretariat of the National Subcommittee for Preventing and Combating Corruption, to identify good practices and main concerns.

136. In the Netherlands, the Court of Audit audits the income and expenses of the central public administration and reports its findings to Parliament once a year, on Accountability Day.

137. In Serbia, the Anti-Corruption Agency submits an annual report on its operations to the National Assembly no later than 31 March of each year. The reports are also available online.

138. In Spain, the Anti-Fraud Office of Catalonia submits an annual report to the Parliament of Catalonia with detailed information on its activities and results, which is also made public.

3. National surveys

139. In Bhutan, national integrity assessments have been undertaken periodically by the Anti-Corruption Commission in collaboration with the National Statistics Bureau since 2009. In 2016, 52 per cent of the respondents agreed that, overall, the Anti-Corruption Commission was doing "very well". The Bhutan Transparency Initiative also conducted a national corruption barometer survey the same year. In terms of fighting corruption in the country, 72.3 per cent of the respondents rated the Commission as doing "fairly well", while 16.6 per cent considered that the Commission was doing "very well". Another national integrity assessment took place at the end of 2019, and a follow-up national corruption barometer survey is planned for 2020.

140. In Egypt, a survey was conducted for the first time in 2019 to measure public awareness of national anti-corruption efforts. Annual public surveys on the perception of the extent of corruption in multiple sectors have been undertaken for several years.

141. In Sierra Leone, national corruption perception surveys were undertaken in 2010, 2013 and 2019.

4. International assessments

142. As noted above, a two-day regional conference on the topic of effectiveness of anti-corruption agencies and financial intelligence units was held in Mauritius in May 2018. While acknowledging the contributions of the Implementation Review Mechanism to assessing the compliance of national legal and institutional instruments with the Convention, participants considered that the Mechanism was not enough to assess the effectiveness of anti-corruption bodies.

143. In Bhutan, the Anti-Corruption Commission participated in a third-party assessment in 2015 to analyse its capacity and effectiveness. The Commission received a “very good” assessment and scored high in 70 per cent of the indicators used, including on independence, mandate, legal basis, State support and inter-agency coordination. It received low scores on its responsiveness to corruption complaints, owing to the backlog of complaints qualified for investigation, and on staff stability, owing to the high turnover.

144. In Chile, the Comptroller General of the Republic participated in a voluntary review undertaken by the Organization for Economic Cooperation and Development to evaluate the efficiency of its activities and identify areas for improvement.

145. In Serbia, the Government adopted the *Action Plan for Chapter 23* in 2016 as part of the European Union pre-accession negotiation process. A council was established for the implementation of the plan, which monitors the implementation of the activities set forth in the document. A comprehensive gap analysis of the implementation of the National Anti-Corruption Strategy and the *Action Plan for Chapter 23* was conducted in 2018 to identify obstacles to the successful implementation of anti-corruption measures. A draft revised *Action Plan for Chapter 23* includes an operational plan with impact assessments of the measures implemented under the previous two National Anti-Corruption Strategies.

146. In Sierra Leone, various international corruption indices are consulted.

III. Conclusions and recommendations

147. States parties identified multiple elements as important factors affecting the effectiveness of anti-corruption bodies, notably: independence, specialized staff and training, financial and material resources, national and international cooperation, monitoring and evaluation, internal procedures and controls, whistle-blower protection, communication and public engagement, technology, client orientation, an enabling environment and asset forfeiture regimes. All those elements are important and likely to improve the effectiveness of anti-corruption bodies if applied holistically in practice.

148. The Jakarta principles and newly developed guidance through the related Colombo Commentary can assist States parties in assessing various elements of the effectiveness of their anti-corruption bodies. Those reviews can be driven by States parties or by the anti-corruption bodies themselves. States parties may also wish to consider giving more weight to the Jakarta principles at the international level.

149. An analysis of the executive summaries emanating from the Implementation Review Mechanism indicates that many anti-corruption bodies around the world still lack independence. Greater independence of those bodies could improve their effectiveness. Additional elements, as listed above, should also be considered to strengthen effectiveness.

150. Currently, very few States parties have performance indicators in place for their anti-corruption bodies. Some States parties have adopted national anti-corruption strategies and monitor their implementation, including with regard to the

anti-corruption bodies. However, performance is often measured at the output level and rarely at the outcome or impact level.

151. Various ways of assessing the effectiveness of anti-corruption bodies currently exist, notably the annual reports of anti-corruption bodies, oversight by legislative bodies, national surveys and international assessments. However, there are no consensually agreed international measures for assessing the effectiveness of anti-corruption bodies. The Working Group may wish to consider whether it would be feasible and desirable to develop such measures.

152. Lastly, the agenda to enhance the effectiveness of anti-corruption bodies remains very important to ensure the full implementation of the provisions of the Convention. Ultimately the goal of all anti-corruption measures is to reduce levels of corruption. Thus, the assessment of the effectiveness of those measures is linked to the ability to measure corruption. In this respect, the Working Group may wish to provide further guidance for identifying and refining methodologies on the issue of the measurement of corruption in order to develop proposals for a comprehensive, scientifically sound and objective framework for the purpose of assisting States parties, upon their request, in measuring corruption, consistent with the Convention.
