



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

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Report on the meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption held in Vienna from 31 August to 2 September 2020

I. Introduction

1. In its resolution 3/2, the Conference of the States Parties to the United Nations Convention against Corruption decided to establish an interim open-ended intergovernmental working group to advise and assist the Conference in the implementation of its mandate on the prevention of corruption.
2. The Conference decided that the Working Group should perform the following functions:
 - (a) Assist the Conference in developing and accumulating knowledge in the area of prevention of corruption;
 - (b) Facilitate the exchange of information and experience among States on preventive measures and practices;
 - (c) Facilitate the collection, dissemination and promotion of best practices in corruption prevention;
 - (d) Assist the Conference in encouraging cooperation among all stakeholders and sectors of society in order to prevent corruption.
3. The efforts by the Working Group to facilitate the sharing of information between States parties have been continuously welcomed by the Conference, including in its resolution 8/8. In that resolution, the Conference welcomed the ongoing efforts of the Open-ended Intergovernmental Working Group on the Prevention of Corruption to facilitate the sharing of information between States parties on their initiatives and good practices relating to the topics considered at the meetings of the Working Group held in Vienna from 5 to 7 September 2018 and 4 to 6 September 2019. The Conference underlined the importance of the conclusions and recommendations of the Working Group at the above-mentioned meetings, and encouraged States parties to implement them as appropriate. The Conference also 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 ninth session of the Conference. Furthermore, the Conference requested States parties to continue to share information and requested the Secretariat, subject to the availability of extrabudgetary resources, to continue its work as an international observatory, including by updating the thematic website of the Working Group with relevant information.
4. As recalled in its decision 7/1, the Conference had requested in its resolution 6/1 that the Secretariat 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.

5. In compliance with Conference resolution 8/7, entitled “Enhancing the effectiveness of anti-corruption bodies in fighting corruption”, the Working Group had included as the topic for 2020 “Enhancing the effectiveness of anti-corruption bodies” (art. 6 of the Convention).

II. Organization of the meeting

A. Opening of the meeting

6. The Open-ended Intergovernmental Working Group on the Prevention of Corruption held its eleventh meeting in Vienna, from 31 August to 2 September 2020, in a hybrid format (in person and online).

7. The Working Group held five meetings, which were chaired by Harib Saeed al-Amimi (United Arab Emirates), the President of the Conference at its eighth session; most of the meetings were held jointly with the Implementation Review Group.

8. The Working Group considered item 2 of its agenda jointly with the Implementation Review Group.

9. In opening the meeting, the Chair recalled resolution 3/2, in which the Conference had established the Working Group and defined its functions, including those of assisting the Conference in developing and accumulating knowledge in the area of prevention of corruption and of facilitating the exchange of information and experience. He also recalled resolution 8/7, in which the Conference had decided to include the issue of enhancing the effectiveness of anti-corruption bodies (art. 6 of the Convention) in the agenda of the Working Group.

10. The Chief of the Implementation Support Section of the Corruption and Economic Crime Branch of the United Nations Office on Drugs and Crime (UNODC) noted the reach of the Convention as a global anti-corruption framework and recalled the importance that the Conference had attached to prevention in several resolutions that it had adopted at its eighth session. He underlined that, since its first meeting in 2010, the Working Group had continued to assist in the accumulation of knowledge in the area of anti-corruption and had provided States with the opportunity to share good practices, lessons learned and expertise, specifically in relation to the implementation of chapter II of the Convention. He reassured the Working Group that all the information collected by the Secretariat would continue to be published on the web pages of the Working Group.

B. Adoption of the agenda and organization of work

11. On 31 August, the Working Group adopted the following agenda:

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Implementation of relevant Conference resolutions:
 - (a) 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);
 - (b) Other recommendations.
3. Future priorities.
4. Adoption of the report.

C. Attendance¹

12. The following States parties to the United Nations Convention against Corruption were represented at the meeting of the Working Group: Afghanistan, Albania, Angola, Argentina, Armenia, Austria, Azerbaijan, Belgium, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

13. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

14. The following United Nations entities, funds and programmes, institutes of the United Nations crime prevention and criminal justice programme network and specialized agencies of the United Nations system were represented by observers: Basel Institute on Governance, United Nations Environment Programme and United Nations Industrial Development Organization.

15. The following intergovernmental organizations were also represented: Cooperation Council for the Arab States of the Gulf, Council of Europe, Council of the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States, Economic Community of West African States, Economic Cooperation Organization, European Union Agency for Law Enforcement Cooperation (Europol), International Anti-Corruption Academy, International Criminal Police Organization (INTERPOL), International Development Law Organization, International Organization for Migration, League of Arab States, Organization for Economic Cooperation and Development, Organization of American States and World Customs Organization.

¹ The attendance as presented in the present report is based on confirmed online connections and in-person participation.

III. Implementation of relevant Conference resolutions² and of the recommendations agreed upon by the Working Group at its meeting held in September 2019

A. 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)

16. The Chair introduced item 2, on the implementation of relevant Conference resolutions, and invited the participants to provide observations and comments following the introductory presentation by representatives of the secretariat.

17. A representative of the secretariat presented the background paper prepared by the Secretariat on enhancing the effectiveness of anti-corruption bodies (article 6, paragraphs 1 and 2, of the United Nations Convention against Corruption) (CAC/COSP/WG.4/2020/4) and its addendum (CAC/COSP/WG.4/2020/4/Add.1) and thanked States parties for the information they had provided in advance of the meeting, which had formed the basis of both documents. The representative emphasized the important role of anti-corruption bodies in the prevention of corruption. In addition, the representative announced the electronic launch of the publication entitled *Colombo Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies*, published on the UNODC website.³ He indicated that the *Colombo Commentary* was aimed at providing guidance for policy and decision makers on ways to strengthen the independence of anti-corruption bodies.

18. A panellist from Mauritius recalled that the term “effective” was reflected in numerous resolutions of the Conference of the States Parties to the Convention and in several articles of the Convention. He emphasized that, despite the adoption of legislation, measures and tools following the reviews under the Implementation Review Mechanism, questions remained regarding the effectiveness of anti-corruption efforts, their impact and their ability to achieve the goals of the Convention. He highlighted several factors as indicative of successful anti-corruption efforts: the independence of an anti-corruption body or bodies; a comprehensive legal framework; the allocation of adequate resources by governments; internal, regional and international cooperation; the seizure of assets linked to criminal activities; the existence of specialized staff; public trust and civil society engagement; the number of convictions; public-private partnerships; and adherence to international treaties, such as the Convention. The panellist also highlighted that many challenges remained in the fight against corruption, such as inadequate legal frameworks, insufficient capacity and resources to respond to public expectations, limited internal and international cooperation, limited staff expertise, inadequate judicial systems, inadequate whistle-blower mechanisms, and difficulties in sharing information. He further highlighted that the performance of anti-corruption bodies was often measured at the output level and rarely at the outcome or impact level. To assess the effectiveness of anti-corruption efforts, the panellist suggested, inter alia, the development and monitoring of effectiveness indicators, complemented by the development of corruption measurement tools.

² Resolution 8/3, entitled “Promoting integrity in the public sector among States parties to the United Nations Convention against Corruption”; resolution 8/7, entitled “Enhancing the effectiveness of anti-corruption bodies in fighting corruption”; resolution 8/8, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”; resolution 8/10, entitled “Measurement of corruption”; resolution 8/11, entitled “Strengthening the implementation of the United Nations Convention against Corruption in small island developing States”; resolution 8/12, entitled “Preventing and combating corruption as it relates to crimes that have an impact on the environment”; and resolution 8/13, entitled “Abu Dhabi declaration on enhancing collaboration between the supreme audit institutions and anti-corruption bodies to more effectively prevent and fight corruption”.

³ The publication is available at www.unodc.org/documents/corruption/Publications/2020/20-00107_Colombo_Commentary_Ebook.pdf.

19. A panellist from the United States reported that the United States Ethics in Government Act of 1978 had provided for the establishment of the Office of Government Ethics, with the aim of preventing corruption and conflicts of interest within the federal executive branch. In addition, under the Act, a financial disclosure system to identify real or potential conflicts of interest had been established and government agencies were required to cooperate with the Office of Government Ethics. The panellist highlighted that the primary goal of the Office was prevention. The Office had created, inter alia, standards of ethical conduct and oversaw the mandatory ethics programmes of government agencies. The agencies' ethics programmes addressed financial disclosure regulations, education and counselling of employees, and enforcement of ethics standards, and were regularly reviewed and updated. The Office issued publicly available recommendations to address deficiencies in agencies' ethics programmes.

20. A panellist from Chile reported that multiple anti-corruption bodies existed in Chile, including the Office of the Comptroller General, the Financial Analysis Unit, the State Defence Council, the General Government Internal Audit Council, the Transparency Council, the Office of the State Public Prosecutor, and the Office of the National Economic Prosecutor. The autonomy of many such offices was guaranteed by the Constitution or by law. The State Administration Studies Centre organized capacity-building courses for public officials, practitioners, students and civil society. Such courses focused on how to deal with suspected corruption incidents. The panellist highlighted that an anti-corruption alliance had been constituted among public institutions, private sector bodies, academia, civil society and international organizations to implement the provisions of the Convention. She also emphasized that awareness-raising and the participation of public officials, civil society and other stakeholders, as well as transparency in the planning, monitoring and evaluation of projects, were important for strengthening institutional effectiveness. The importance of accountability was also stressed: various institutions were required to report on results and provide financial information through a transparency portal.

21. A panellist from Spain reported that multiple anti-corruption bodies existed in Spain. The National Anti-Fraud Coordination Service had been established in 2014. Other bodies existed at different subnational levels in the Balearic Islands, Barcelona, the Canary Islands, Catalonia, the Community of Valencia, Galicia and Madrid. Key elements for ensuring efficiency included independence, specialized staff, financial resources, national and international cooperation, internal control, ethical codes of conduct, whistle-blower protection, citizen participation, technology, client orientation and an enabling environment. At the national level, all anti-corruption bodies participated in a network of anti-corruption agencies and officers. The independence of the anti-corruption bodies was guaranteed in various ways. At the National Anti-Fraud Coordination Service, public officials were not allowed to receive instructions from any other authority. The various agencies developed and published annual plans and reports.

22. A panellist from the United Arab Emirates reported that the State Audit Institution was the main corruption prevention body in his country. Some elements were key for the effectiveness of anti-corruption bodies. Those were independence, a specific mandate for such bodies; the use of information technology; and internal and international cooperation and cooperation with civil society. The panellist noted that the State Audit Institution had been established under the Constitution and by federal law, updated in 2011, to investigate suspected fraud and corruption and to oversee the management of public funds. Thus, the Institution had both a preventive and an investigative mandate. The Institution undertook financial compliance audits and fact-finding investigations of fraud and corruption. It had wide-ranging powers to carry out its mandates, including to review documents, request financial statements, examine electronic data and interview witnesses. The Institution's independence was provided for under the Constitution. It prepared and published its activity reports, used information technology to expose corruption and provided regular training to its

staff. Lastly, it cooperated with partners at the international and regional levels and promoted the involvement of civil society.

23. Many speakers informed the Working Group about the legislative, institutional and strategic frameworks that had been adopted or modified, including in response to the recommendations emanating from the Implementation Review Mechanism. Many speakers recalled the principles of efficiency, transparency and accountability in the prevention of corruption.

24. Several speakers highlighted the importance of ensuring the independence of, and sufficient specialized personnel and adequate funding for, anti-corruption bodies. Some speakers stressed the need to ensure internal integrity in anti-corruption bodies and appropriate standard operating procedures to facilitate investigations into alleged wrongdoing.

25. Several speakers underlined the importance of high-level political commitment to promote and adopt effective legislative reforms and anti-corruption policies in line with the Convention.

26. Many speakers emphasized that inter-institutional cooperation enhanced the effectiveness of anti-corruption bodies, and underlined the importance of clear mandates to ensure coherent and effective national approaches to countering corruption. One speaker noted that, while prevention was important, effective investigation and adjudication of cases could be an important deterrent to corruption.

27. Several speakers highlighted the importance of technology in enhancing the effectiveness of anti-corruption bodies and efforts, including in the context of the coronavirus disease (COVID-19) pandemic. Examples included the automatization of services, online asset disclosure, e-procurement, data mining and analytics, and online whistle-blowing mechanisms for citizens to report fraud and corruption.

28. Several speakers mentioned the importance of training public officials on codes of conduct, conflicts of interest, asset disclosure and means to report incidents of corruption. The speakers noted the importance of establishing a culture of integrity in the public sector.

29. One speaker highlighted that one of the most effective means of preventing corruption was to ensure that civil society and the media were free, independent and vibrant, thereby ensuring that irregularities were exposed and addressed.

30. Many speakers stressed the importance of involving civil society and the private sector in the work of anti-corruption bodies and in the design, implementation and monitoring of national anti-corruption strategies and programmes. Speakers also underlined that initiatives on access to information, open government and beneficial ownership transparency were important for ensuring civic engagement and public accountability.

31. Several speakers welcomed the *Colombo Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies*, which had been developed at a Global Expert Group Meeting on the Jakarta Principles, hosted by the Government of Sri Lanka in July 2018, and launched by the secretariat at the present meeting of the Working Group.

32. Two speakers emphasized the importance of undertaking corruption risk assessments in public organizations as an effective means to prevent corruption.

33. Some speakers suggested developing measures to assess the effectiveness and impact of anti-corruption bodies. One speaker underlined that such assessments could provide an opportunity to drive reform of national anti-corruption bodies. At the same time, some speakers expressed the view that the development of global measures would be complex, given the differences between the various national anti-corruption bodies in different countries. One speaker proposed that, rather than global measures, States could be encouraged to develop such measures individually, reflecting their own national contexts.

34. One speaker noted that, because neither Conference resolution 8/7 nor the Convention required the development of measures to assess the effectiveness of anti-corruption bodies, the Working Group did not have the mandate to work on the development of such measures.

35. Several speakers encouraged the Working Group to continue collecting good practices, lessons learned and challenges encountered by States parties in the implementation of article 6 of the Convention, thereby ensuring the implementation of Conference resolution 8/7, entitled “Enhancing the effectiveness of anti-corruption bodies in fighting corruption”.

B. Other recommendations

36. The Chair introduced the discussion under item 2 (b), on other recommendations, and drew the attention of the participants to the mandate of the Working Group to advise and assist the Conference.

37. A representative of the secretariat provided an update on the implementation of the relevant conference resolutions, focusing on corruption prevention, and an overview of all activities undertaken by the secretariat in the period from November 2019 to July 2020, including with regard to the impact of the COVID-19 pandemic on its work.

38. In the period from November 2019 to July 2020, UNODC implemented 164 corruption prevention activities, including technical assistance activities aimed at ensuring that States’ institutions and legal and policy frameworks addressed corruption and that States parties increased their capacity to prevent and combat corruption at the global, regional and national levels. Those efforts also included the development of knowledge products, such as the publications entitled *Reporting Mechanisms in Sport: A Practical Guide for Development and Implementation*; *State of Integrity: A Guide on Conducting Corruption Risk Assessment in Public Organizations*; *Colombo Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies*; and *Scaling back Corruption: A Guide on Addressing Corruption for Wildlife Management Authorities*.

39. A representative of the secretariat reported that the restrictions imposed as a result of the COVID-19 pandemic had led to an increase in the online delivery of technical assistance, with an enhanced focus on capacity-building tools. He also highlighted the development of three policy papers linked to the prevention of corruption in the context of the COVID-19 global health emergency, which were aimed at strengthening accountability, addressing corruption in relation to the allocation and distribution of emergency economic rescue packages, and preventing corruption in sport.

40. A representative of the secretariat presented an update on the use of open data initiatives and sources to prevent corruption, including perceptions of open data, the types of data and information used by States parties, and relevant approaches and initiatives.

41. The representative noted that all States parties that had provided information on that topic had emphasized the importance of open data initiatives and sources for improving transparency and accountability. Many had sought to establish online platforms that provided information to the public on a number of topics, including corruption and related crimes, public spending and procurement, and the salary scales of public officials and staff. Some of those platforms enabled active civic participation, such as by affording the opportunity to comment on draft legislation. It was reported that the use of online platforms had increased during the COVID-19 pandemic, with some States parties developing open platforms that shared information regarding the measures taken to address the crisis. States parties had also stressed the need to strengthen data privacy and anonymize sensitive information by making changes to legislation and administrative practices. States parties had noted

the need to adopt relevant manuals and reference guides to ensure that public institutions were familiar with open data and could appropriately develop and implement frameworks to increase transparency.

42. The representative of the secretariat suggested that the Working Group might wish to consider how States parties could further strengthen their efforts to develop, implement, adopt and evaluate open data initiatives and sources and strengthen the exchange of information in that area.

43. The representative of the secretariat noted that the Working Group might wish to request UNODC to continue its efforts to support States parties in the implementation of articles 9, 10 and 13 of the Convention through the development of training materials, workshops and other initiatives.

44. In response to a request from one State party, a representative of the secretariat provided an update on the measures undertaken to implement Conference resolution 8/12, entitled “Preventing and combating corruption as it relates to crimes that have an impact on the environment”. She described how 10 countries had implemented, with the support of UNODC, corruption risk assessments related to crimes that had an impact on the environment, with another 9 soon to follow, and how the secretariat had provided further support for strengthening the capacity for financial investigations in 7 countries. She also elaborated on the publications recently issued by UNODC and how the secretariat had planned a study to be presented at the twelfth meeting of the Working Group. A proposal for further action remained available for potential donors upon request.

45. In the ensuing discussion, two speakers shared information about the efforts undertaken by their countries to promote transparency and public participation through the use of open data.

46. One speaker reported on how the efforts undertaken by his country to address the consequences of the COVID-19 pandemic had led to increased risks of corruption. He indicated that a review of his country’s legal framework had been performed to ensure that it addressed both the challenges posed by the global health emergency and the country’s obligations under the relevant international legal framework.

47. One speaker shared information on his country’s programme on anti-corruption education and on the efforts made to promote international cooperation in that area, as well as to improve the quality of education.

IV. Future priorities

48. The Chair introduced the discussion under item 3, on future priorities, and drew the attention of the participants to the mandate of the Working Group to advise and assist the Conference.

49. A representative of the secretariat recalled the thematic topics suggested by the Working Group for discussion at future meetings, including measuring corruption and the impact of anti-corruption efforts using scientifically based indicators, corruption risks, measures and systems to facilitate reporting by public officials (art. 8, para. 4) and public reporting (art. 13, para. 2). He also recalled the thematic topics identified in Conference resolutions 8/12, 8/13 and 8/14.

50. Another representative of the secretariat provided information on the recent activities of the Working Group directed at the development and accumulation of knowledge in the area of prevention of corruption; the exchange of information and experiences among States on preventive measures and practices; the collection, dissemination and promotion of good practices in the prevention of corruption; and cooperation among stakeholders and sectors of society to prevent corruption.

51. In the ensuing discussion, two speakers identified the role of national parliaments and other legislative bodies in the prevention of corruption as a topic that merited further attention. Furthermore, one speaker recalled Conference

resolution 8/14, in which the Conference had requested the Working Group to include that topic on the agenda for its twelfth meeting and to invite the Inter-Parliamentary Union to participate in a thematic panel discussion on the topic.

52. Two speakers recalled Conference resolution 8/12 and suggested the implementation of that resolution as a topic for discussion by the Working Group.

53. One speaker suggested the lessons learned in preventing corruption during emergencies as a topic for discussion by the Working Group.

54. One speaker suggested the prevention of domestic and foreign bribery, with a focus on the prevention of bribery solicitation, as a topic for discussion by the Working Group.

55. One speaker suggested the implementation of article 12 of the Convention, with a focus on the experience of States parties in working with the private sector to prevent bribery, as a topic for discussion by the Working Group. He underlined the importance of involving private sector representatives in that discussion in order to learn about their experiences in complying with the relevant provisions of their countries' anti-corruption legislation.

56. One speaker suggested evaluating the effectiveness of anti-corruption legislation and policies, including by engaging society in that respect (arts. 5 and 13), as a topic for discussion by the Working Group.

57. One speaker suggested the measurement of corruption and the organization of corruption risk assessments as a topic for discussion by the Working Group.

58. One speaker suggested anti-corruption education as a topic for discussion by the Working Group.

59. The Working Group welcomed the efforts of the Secretariat to support States parties in implementing the Convention during the COVID-19 pandemic, in particular in relation to prevention activities, and requested UNODC to continue to provide technical assistance, upon request, while focusing on the safety of beneficiaries, in coordination with bilateral and multilateral technical assistance providers.

60. The Working Group acknowledged the progress that had been made by States parties in relation to strengthening the capacity of the anti-corruption bodies and underlined the need to maintain such efforts and assist States parties in overcoming related challenges.

61. The Working Group encouraged States parties to prioritize strengthening the capacity of anti-corruption bodies and to support each other in the development and implementation of such initiatives, including through the exchange of good practices and experiences, in particular in the light of the challenges and technical assistance needs that had been reported.

62. The Working Group requested UNODC to continue its efforts to gather information on good practices by States with regard to the implementation of article 6 of the Convention and, subject to the availability of extrabudgetary resources, to continue to provide technical assistance to States parties for strengthening the effectiveness of their anti-corruption bodies. The Working Group recommended to the Conference the adoption of a multi-year workplan for the Working Group, while recognizing that there would be room within the Group's agenda to add topics of discussion or to amend those being suggested.

63. The Working Group recommended that States parties share additional information with the secretariat about their activities, initiatives and partnerships to implement resolution 8/8, entitled "Follow-up to the Marrakech declaration on the prevention of corruption".

64. The Working Group highlighted the need for sufficient and predictable funding for UNODC to continue providing technical assistance related to the prevention of corruption at the national, regional and global levels.

65. The Working Group emphasized the need for both States parties and the donor community to reconfirm their commitment to the prevention of corruption, including in the form of multi-year, soft-earmarked extrabudgetary contributions to UNODC.

V. Adoption of the report

66. The Working Group adopted the report on its eleventh meeting on 16 September 2020 by means of a silence procedure.
