



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

Distr.: General
29 March 2023

Original: English

Open-ended Intergovernmental Working Group on the Prevention of Corruption

Vienna, 14–16 June 2023

Item 2 (a) (i) of the provisional agenda*

**Implementation of relevant Conference resolutions:
thematic discussions on good practices and
initiatives in the prevention of corruption**

Interlinkages between preventive and law enforcement approaches

Background paper prepared by the Secretariat

I. Introduction

1. In its resolution 6/1, 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 it in such a way as to avoid the duplication of discussions, while respecting their mandates.
2. In its resolution 9/6, 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 tenth session of the Conference.
3. In the same resolution, the Conference acknowledged that both preventive measures and law enforcement are required to address corruption effectively and that there are interlinkages between preventive and law enforcement approaches that may lead to the increased effectiveness of anti-corruption efforts. The Conference further acknowledged that successes in and lessons learned from one approach may inform the efforts in the other and requested the Working Group on the Prevention of Corruption to consider including, as topics for discussion at its thirteenth and fourteenth meetings, the interlinkages between preventive and law enforcement approaches.
4. Pursuant to those resolutions, and in accordance with the workplan for the subsidiary bodies of the Conference agreed by the extended Bureau of the Conference at its meeting on 16 June 2022, it was decided that one of the topics for discussion at the fourteenth meeting of the Open-ended Intergovernmental Working Group on the

* [CAC/COSP/WG.4/2023/1](#).



Prevention of Corruption would be the interlinkages between preventive and law enforcement approaches.

5. At its second meeting, held in Vienna from 22 to 24 August 2011, the Working Group on the Prevention of Corruption 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 paper has been prepared based on information provided by governments in response to notes verbales by the secretariat dated 19 January and 20 February 2023. As at 9 March 2023, submissions had been received from the following 38 parties to the Convention: Albania, Algeria, Australia, Austria, Azerbaijan, Bahrain, Bulgaria, Burkina Faso, Canada, Chile, China, Cyprus, Egypt, European Union, France, Greece, Hungary, Italy, Jordan, Kyrgyzstan, Malaysia, Myanmar, Nicaragua, Oman, Portugal, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Saudi Arabia, Serbia, Slovakia, State of Palestine, Thailand, Togo, United Arab Emirates and United Republic of Tanzania.

7. The full text of the submissions has been made available on the UNODC website¹ and incorporated into the thematic website developed by the secretariat.²

8. The purpose of the present report is to provide a summary of the information submitted by States parties to the Convention on the interlinkages between preventive and law enforcement approaches to the fight against corruption.

II. Analysis of submissions of States parties

A. Thematic overview

9. The United Nations Convention against Corruption places a premium on the prevention of the crime, providing for an entire chapter of preventive measures which precedes the chapter on criminalization and law enforcement. This reflects the notion that effective preventive measures, integrated in criminal justice, public sector and development strategies and plans, should precede law enforcement responses, thus reducing the occurrence of the crime and taking pressure from the limited resources to properly investigate corruption after it has occurred.

10. Articles 6 and 36 of the Convention are illustrative of the equilibrium between preventive and law enforcement approaches. Article 6, paragraph 1, of the Convention requires States parties to ensure the existence of a body or bodies that prevent corruption. Article 36 requires States parties to ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement.

11. In its resolution 9/6, the Conference reaffirmed that preventing and combating corruption at all levels and in all its forms is a priority and responsibility of all States, and thus requires strong political will, the participation of society, strong, fair, effective, impartial, accountable and transparent institutions, comprehensive and balanced anti-corruption frameworks and approaches at all levels and committed enforcement by all jurisdictions in accordance with national legislative systems, as well as prevention, anti-corruption education, training and effective international cooperation, including, where appropriate, in asset recovery.

¹ www.unodc.org/unodc/en/corruption/WG-Prevention/session13.html.

² www.unodc.org/unodc/en/corruption/WG-Prevention/thematic-compilation-prevention.html.

12. This “whole of society” approach to preventing and countering corruption requires strong linkages between preventive and law enforcement frameworks to ensure that anti-corruption bodies are effective and that information and intelligence are shared between preventive and law enforcement bodies regularly and proactively. It also requires reporting mechanisms to be in place to facilitate both internal reporting of corruption in the public sector as well as encourage reports of corruption by the general public and the private sector.

13. The General Assembly, at its special session against corruption held in June 2021, recognized the role of anti-corruption bodies and specialized authorities in implementing and monitoring anti-corruption policies and practices, and reaffirmed the commitment of Member States to granting them the necessary independence, in accordance with the fundamental principles of domestic law, to enable them to carry out their functions effectively and free from any undue influence and with integrity and accountability. Member States pledged to strengthen their capacity and provide such bodies and authorities with the necessary resources to carry out their oversight functions and to facilitate strong cooperation among them at all levels.

14. Against this background, reporting States parties noted challenges in ensuring coordination and sharing of information between corruption prevention bodies and law enforcement authorities. There were also challenges reported in establishing and addressing the interlinkages between corruption and other forms of serious and organized crime. Despite these issues, reporting States described a number of mechanisms and approaches to ensuring synergies between preventive and law enforcement functions in the fight against corruption, including through national strategies and coordination mechanisms.

B. Measures adopted by States parties with regard to the interlinkages between preventive and law enforcement approaches

National anti-corruption bodies

15. The analysis of the responses received indicates that, in the establishment of anti-corruption bodies, States parties leveraged the interlinkages between preventive and law enforcement approaches in different ways. In some States parties, anti-corruption bodies had a preventive profile combined with different forms of investigative powers. In others, bodies specialized in combating corruption through law enforcement were progressively provided with preventive functions. In States parties where preventive bodies had no investigative powers, they were obliged by law to refer possible offences of corruption to competent law enforcement authorities. In others, preventive and law enforcement bodies were established as separate entities. Statistics on the investigation and prosecution of corruption were used by either body to generate reports or assess risks and vulnerabilities.

16. Azerbaijan referred to its national anti-corruption policy, which was supported by the implementation of a series of national action plans. Under the “National Action Plan for 2022–2026 on the fight against corruption”, the primary areas of attention were the fight against money-laundering and terrorist financing, the implementation of legislation on the disclosure of beneficial ownership information in public procurement, the improvement of the national asset recovery and management system and the broad participation of civil society organizations. The two primary institutions specialized in addressing corruption were the Commission on Combating Corruption and the Anti-Corruption Directorate under the Prosecutor General. The Commission, established in 2004, was mainly responsible for the development of national policies to prevent corruption, for coordinating and supervising the implementation of national action plans by government agencies and for analysing the status and efficiency of the fight against corruption. The Anti-Corruption Directorate, while equally responsible for conducting studies on the state of the fight against corruption, relied more extensively on crime-related statistics and could recommend measures to

improve legislation and methodologies to assess risks of corruption. The Directorate was also responsible for conducting anti-corruption awareness-raising and education activities.

17. Chile reported that its Presidential Advisory Commission for Public Integrity and Transparency oversaw the coordination and implementation of the National Public Integrity Strategy, which involved numerous government institutions. The development of activities and indicators of the Strategy required a broad and inclusive consultation process to ensure that they reflected both preventive and law enforcement approaches to corruption.

18. Cyprus reported that in 2022, an Independent Anti-Corruption Authority was established to ensure the coherence and effectiveness of all actions to prevent and fight corruption in the public and private sectors. The Authority had both preventive and investigative powers. In line with its preventive role, it conducted educational and training activities for the private and public sectors, it engaged in the assessment and management of risks of corruption and made suggestions for the improvement of laws and procedures. The Authority was also mandated to receive complaints or information regarding acts of corruption in the public sector and was empowered to conduct investigations. In addition, an anti-corruption task force for the investigation and prosecution of corruption offences was created in 2022 under the remit of the Attorney General. It consisted of specialized officers from the Law Office of the Republic, the Anti-Money Laundering Unit, the Police and ad hoc experts from other authorities such as the Taxation Department and the Department of Customs and Excise.

19. Egypt indicated that its Administrative Control Authority was mandated to oversee and coordinate anti-corruption measures taken by various institutions responsible for preventing and combating corruption through law enforcement. Egypt further noted that the Administrative Control Authority had joined the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) to strengthen international law enforcement coordination and information-sharing in the investigation of corruption.

20. The European Union indicated that it had conducted a survey among its member States to assess whether they had bodies specialized in the prevention and/or repression of corruption. Preliminary results showed that many States of the European Union had corruption preventive bodies with some repressive powers, including investigative powers, sanctioning powers and a role in judicial processes.

21. France reported that its Anti-Corruption Agency was legally obliged to refer any report of suspected corruption to the Public Prosecutor's Office for review and possible launch of a criminal investigation. In 2022, the Anti-Corruption Agency, together with the Ministry of Justice and the Ministry of Interior, conducted an exercise to map risks of corruption also utilizing data on criminal investigations related to corruption.

22. Hungary reported on an extensive network of institutions responsible for the prevention and investigation of corruption. Among them, the National Protective Service, established in 2011, was tasked with the reduction of corruption, the prevention of infiltration of law enforcement and public administration bodies by organized crime and the protection of staff and their families who were in danger because of their profession. While primarily responsible for the prevention of corruption, the Service was also mandated to launch investigations and notify the law enforcement authority if it became aware of suspected criminal offences in the performance of its duties.

23. Italy reported that its National Anti-Corruption Authority (ANAC) was primarily a preventive body responsible for the development and oversight of the National Anti-Corruption Plan. ANAC analysed the causes and manifestations of corruption, proposed measures to prevent it and monitored the implementation and effectiveness of anti-corruption plans of public administrations. ANAC was also

provided with some enforcement powers, including the power to enquire, to demand the exhibition of documents and to command the adoption or removal of administrative acts and behaviours in conflict with the law and with the principle of transparency. In addition, ANAC reported annually to Parliament on all aspects of corruption and on measures taken to prevent and combat it.

24. Malaysia described the extensive mandate of its Anti-Corruption Commission, which included preventive and law enforcement functions. The Commission reviewed the systems, procedures and practices of public bodies and recommended revisions in order to reduce their vulnerability to corruption. It provided advice to heads of public bodies and individuals on ethical dilemmas and promoted anti-corruption awareness-raising and education. The Commission also had the authority to receive reports of possible offences of corruption and conduct investigations.

25. The Republic of Moldova reported on its National Anti-Corruption Centre, the primary body responsible for preventing and combating corruption. The Centre promoted anti-corruption education but was also involved in the procedure of “anti-corruption proofing.” The Centre reviewed relevant draft legislative texts with a view to identifying and recommending remedies to possible loopholes in their form or the content, which may give rise to risks of corruption during the implementation of the law.

26. Slovakia reported that the Corruption Prevention Department at the Government Office was the central authority responsible for the development, coordination and implementation of programmes and activities to prevent corruption. The Department was also responsible for providing advice to all authorities and levels of public administration. An important function of the Department was the identification of sectoral risks of corruption through the use of specialized software. Slovakia intended to expand the risk identification methodology to other sectors of public administration and use its outcomes to design customized measures to prevent and respond to corruption.

27. The United Arab Emirates indicated that several institutions were responsible for the prevention and investigation of corruption, including the Supreme Audit Institutions, the Ministry of Justice, the Ministry of Finance, the Ministry of Interior and the Central Bank. The mandates of these institutions were set forth in relevant legislation.

Coordination mechanisms and processes between preventive and law enforcement functions

28. Many States parties reported on the establishment of coordination mechanisms and procedures, such as memorandums of understanding and other measures, to amplify the impact of preventive and law enforcement approaches to corruption. Some coordination mechanisms were established in accordance with national anti-corruption strategies, others were developed independently following the identification of needs to enhance synergies between preventive and law enforcement approaches.

29. Albania reported on the National Network of Anti-Corruption Coordinators, a newly established mechanism to investigate and sanction corruption in public administrations. The Coordinators acted upon complaints against directors of public administrations and had full investigative authority. The Network reported to the Ministry of Justice and was also responsible for assessing risks of corruption in the public sector. Memorandums of understanding and cooperation, such as the one signed between the Ministry of Justice and the School of Magistrates in 2023, ensured that the Coordinators had the necessary training and that expertise and good practices were shared between executive and judicial authorities.

30. Australia reported on the Commission for Law Enforcement Integrity, which had investigative powers and provided independent assurance to the Government about the integrity of Commonwealth law enforcement agencies and their staff

members. The Commission was also responsible for developing its corruption prevention strategy, in which priorities were set out such as reviewing lessons learned from investigations, developing integrity benchmarks for the public sector and enhancing outreach activities. On a quarterly basis, the Commission held meetings with selected public agencies to discuss good practices in identifying and addressing corruption risks and vulnerabilities. The Commission produced an annual vulnerabilities brief, which was also based on finalized investigations and prosecutions. Australia indicated that by mid-2023, the Commission for Law Enforcement Integrity would be superseded by the National Anti-Corruption Commission. The newly formed Commission would have enhanced preventive and education functions, it would be able to undertake public inquiries to better examine corruption risks and vulnerabilities and recommend both systemic reform and targeted measures to prevent corruption more effectively.

31. Austria reported that its Court of Audit transmitted information on possible offences of corruption to relevant law enforcement authorities, such as the Public Prosecutor's Office for Combatting Economic Crime and Corruption. In addition, the Federal Bureau of Anti-Corruption established policies, mechanisms and standard operating procedures through which bodies mandated to prevent corruption and law enforcement authorities, including those specialized in combating corruption through law enforcement, shared information, evidence and intelligence. In 2022, the Bureau started to develop a model for strategic analysis, which was based on several indicators including criminal records of corruption offences. The model would identify areas most vulnerable to corruption at federal and state levels, with a view to developing targeted preventive measures and informing the activities of law enforcement authorities.

32. Azerbaijan indicated that the Commission on Combating Corruption and the Anti-Corruption Directorate under the Prosecutor General participated in a working group established to improve anti-corruption legislation. The working group included representatives from the private sector, civil society and independent experts.

33. Chile reported that its Presidential Advisory Commission for Public Integrity and Transparency served as the primary coordination body for the identification of preventive and law enforcement measures to counter corruption. The Advisory Commission included government officials and representatives of the private sector and civil society. Its goal was not only to strengthen the legal and policy frameworks but also to improve the relationship between government institutions and the people they served.

34. Egypt reported that its Administrative Control Authority had established the Coordinating Anti-Corruption Sub-Committee as part of the National Coordinating Committee for Combatting Corruption. The Sub-Committee included representatives of the Ministry of Interior, Ministry of Local Development, Ministry of Planning, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Justice, Public Prosecution and Central Auditing Organization. The Sub-Committee carried out a range of functions to strengthen synergies between preventive and law enforcement approaches to corruption, including overseeing the implementation of the national anti-corruption strategy, receiving complaints of corruption, proposing recommendations for strengthening preventive measures and corruption-related legislation, preparing training plans and programmes for public officials and making proposals to strengthen the culture of integrity and transparency.

35. The European Union reported that the European Commission organized regular experience-sharing workshops for national anti-corruption focal points on subjects related to both preventive and law enforcement efforts. It was noted that lessons learned from either approach to corruption had informed efforts in the other. In 2023, the European Commission launched two calls for evidence asking the public to share their views on initiatives in the fight against corruption. The calls for evidence addressed preventive and repressive aspects.

36. France emphasized the importance of strengthening synergies between preventive and law enforcement approaches to corruption. In France, cooperation between the Anti-Corruption Agency and relevant law enforcement bodies led to better case monitoring, better identification of risks of corruption in the public and private sectors and greater inter-agency cooperation to mitigate them.

37. Italy noted that although ANAC was primarily mandated to prevent corruption, it also played a key role in promoting synergies and mutually reinforcing efforts between preventive and law enforcement approaches. ANAC signed a framework agreement with the General Prosecutor's Office to facilitate cooperation. Under the agreement, the General Prosecutor's Office regularly shared with ANAC reports and criminal records, particularly those related to public procurement and the investigative activity of the financial law enforcement authority "Guardia di Finanza". Conversely, ANAC referred reports and information on possible criminal offences to the General Prosecutor's Office for review and possible investigation.

38. Kyrgyzstan reported that the coordination of preventive and law enforcement approaches to corruption was ensured by the Prosecutor General's Office. Its Coordinating Council included representatives of all anti-corruption bodies and determined overall policies and activities related to corruption.

39. Myanmar reported that its anti-corruption body had issued standard operating procedures and had embedded corruption prevention units in the Office of the Auditor General and its articulations at the local level to better coordinate preventive and repressive functions.

40. Nicaragua reported that its Office of the Comptroller General oversaw the coordination of preventive and law enforcement approaches to corruption under the National Plan to Fight Poverty for Human Development 2022–2026. The Office of the Comptroller General convened regular interministerial meetings to discuss audit outcomes, good preventive practices and effective administrative processes. In several cases, those discussions led to criminal investigations and convictions of corruption.

41. The State of Palestine reported that its Anti-Corruption Commission oversaw the coordination of anti-corruption preventive and investigative efforts. The Commission was the primary body responsible for collecting and analysing data from public administrations. Memorandums of understanding between the Commission and law enforcement bodies led to the establishment of a system of liaison officers for the exchange of information and intelligence related to corruption.

42. Serbia indicated that special departments for the suppression of corruption had been established in four regional articulations of the High Public Prosecutor's Offices. The special departments could establish multi-agency task forces for the prevention and repression of corruption and could propose agreements to facilitate the electronic exchange of information and intelligence between preventive bodies and law enforcement authorities.

43. Slovakia indicated that reports received by the Corruption Prevention Department were carefully assessed and shared with law enforcement authorities when appropriate. To ensure the effectiveness of this approach, law enforcement officers provided regular training to the staff of the Corruption Prevention Department and contributed to the development of its standard operating procedures. Representatives of law enforcement authorities were also members of the Board of Anti-Corruption Coordinators, a body established under the National Anti-Corruption Strategy to gather focal points of ministries and other authorities with a role in the implementation of the Strategy.

44. Thailand indicated that its National Anti-Corruption Operations Centre was responsible for coordinating anti-corruption plans of government agencies. Under this structure, the Anti-Corruption Division of the Central Investigations Bureau developed a network of eight authorities responsible for preventing and investigating corruption in the public sector. The National Anti-Corruption Operations Centre

worked closely with the Anti-Money Laundering Office to ensure complementarity of efforts. In 2022, the Corruption Deterrence Centre was established to analyse the causes and risks of corruption. The data and analysis generated by the Centre would be available to preventive bodies and law enforcement authorities.

45. The United Arab Emirates reported that its Supreme Audit Institution exchanged information with other authorities responsible for the prevention of corruption and with the Public Prosecution. The Supreme Audit Institution also coordinated the exchange of information with national financial institutions, including the Central Bank, the Ministry of the Economy, the Federal Tax Authority and the Ministry of Finance.

Integrity, public awareness and education in preventive and law enforcement approaches

46. In identifying linkages between preventive and law enforcement approaches to corruption, many States parties acknowledged the role of enhanced awareness, education and effective reporting mechanisms. It was recognized that public officials and citizens who were aware of corruption and its consequences, who were trained and educated to detect, act upon and report it, contributed to higher levels of integrity and to fewer and more effective law enforcement responses.

47. Azerbaijan reported that in order to promote effective practices to prevent corruption and evaluate the effectiveness of public institutions, high-level public officials were required to establish mechanisms to receive and analyse reports and complaints of corruption and misconduct from citizens. A summary of those reports and of action taken in their furtherance, together with information on administrative and criminal sanctions, was published on the website of the General Prosecutor's Office.

48. China highlighted that the analysis of cases of corruption informed the design of training and education programmes for public officials. It was reported that programmes built on real cases and designed to address the root causes of corruption contributed to improving professional discipline in the public service, encouraged reporting of corruption and promoted reform. In addition, anti-corruption education programmes played a central role also in the curricula of schools and universities.

49. Hungary indicated that integrity in the public sector was promoted through several means, including through integrity tests for public officials administered by the National Protective Service. In addition, Hungary reported that law enforcement, judicial authorities and the Service were developing case studies on the investigation and prosecution of corruption. The case studies would inform the design of training and educational material.

50. Myanmar indicated that experienced law enforcement officers were regularly assigned to anti-corruption education programmes and delivered lectures in primary and secondary schools and universities.

III. Conclusions and recommendations

51. Information provided by reporting States parties and summarized in the present background paper demonstrates a variety of approaches to strengthening the interlinkages between preventive and law enforcement approaches to corruption. States parties reported that through legal and policy frameworks that provided comprehensive mandates to anti-corruption bodies and established mechanisms for coordination, the synergies between measures to prevent and investigate corruption had been enhanced. In recognition of the prominence given by the Convention to the prevention of corruption, States parties reported on how comprehensive approaches to corruption prevention, including anti-corruption education, awareness-raising and strengthened reporting mechanisms, had contributed to more effective law enforcement responses.

52. In light of the above, the Working Group may wish to encourage States parties to continue to take measures to enhance synergies between preventive and law enforcement approaches to corruption.
53. The Working Group, as part of its discussions, may also wish to consider challenges and good practices in identifying and leveraging synergies between preventive and law enforcement approaches to corruption.
54. The Working Group may wish to encourage States parties to continue to provide information to the secretariat on good practices and challenges in promoting synergies between preventive and law enforcement approaches, and on how lessons learned from one approach have informed efforts in the other.
55. In this respect, the Working Group may wish to consider requesting the secretariat to continue its efforts to gather information on good practices, lessons learned and challenges in identifying interlinkages and promoting synergies between preventive and law enforcement approaches to corruption.
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