



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

Distr.: General  
7 December 2007

Original: English

---

## Second session

Nusa Dua, Indonesia, 28 January-1 February 2008

Item 2 of the provisional agenda\*

### Review of the implementation of the United Nations Convention against Corruption

## Best practices in fighting corruption

### Background paper prepared by the Secretariat

#### I. Background

1. The present paper has been prepared pursuant to resolution 1/8, entitled “Best practices in the fight against corruption”, adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its first session, held in Amman from 10 to 14 December 2006 (see CAC/COSP/2006/12). In that resolution, the Conference decided to hold a meeting on best practices in the fight against corruption during its second session.
2. The Conference also decided to invite States to make proposals regarding best practices on any aspect of the United Nations Convention against Corruption (General Assembly resolution 58/4, annex) that might be considered a priority.
3. The Conference also decided that the Secretariat, in consultation with the bureau of the Conference, would select up to four of the best-practice examples for discussion during the meeting, and that the States responsible for the selected programmes would be invited to make a presentation during the meeting.
4. The Conference further decided that the Secretariat, subject to availability of extrabudgetary resources, would make available a booklet with a summary of the best practices discussed in the meeting following the second session.
5. To date, the following States have submitted their proposals for best practices: Afghanistan, Argentina, Brazil, China, Dominican Republic, Germany, Guatemala, Hungary, Latvia, Lithuania, Madagascar, Maldives, Mauritius, Mexico, Moldova, Oman, Poland, Qatar, Slovakia, Slovenia, Syrian Arab Republic, Switzerland, Thailand, Turkey and United Republic of Tanzania.

---

\* CAC/COSP/2008/1.



6. The present paper provides an overview of the best practice examples submitted by Member States and discusses the experience gained and lessons learned by Member States in the effective implementation of the Convention.

## **II. Best practices**

### **A. Overview**

7. Knowledge of successful practices is essential in order to prevent and combat corruption. Member States could benefit from sharing good practices derived from the various approaches to the implementation of the Convention.

8. In compliance with resolution 1/8 of the Conference, the Secretariat requested States to submit any example that they considered a best practice. While most States provided concrete examples, a few limited themselves to indicating their priorities in implementation of the Convention.

9. In order to assist the Conference in its review and analysis of the various submissions, examples of best practices have been gathered together and categorized in accordance with the structure of the Convention in the following thematic areas: (a) preventive measures; (b) criminalization and law enforcement; (c) international cooperation; (d) asset recovery; and (e) technical assistance and information exchange.

### **B. Preventive measures**

10. Most States highlighted the fundamental importance of prevention of corruption and informed the Secretariat that they had already adopted preventive measures that complied with chapter II of the Convention. Others reported that they were in the process of establishing such measures.

11. Several States reported having adopted national anti-corruption strategies and action plans in compliance with article 5 of the Convention. In that context, many of them emphasized the benefits of a multisectoral approach involving, in particular, civil society and the private sector in the formulation and design of such policies. Only some States reported having also established a monitoring mechanism to ensure the regular review of the implementation of these strategies and action plans. In some cases, the monitoring function rested with the dedicated anti-corruption body, while in others a special monitoring group had been set up for that purpose.

12. While most of the responding States had set up national anti-corruption bodies, the mandates, functions, powers and institutional frameworks of those bodies tended to differ quite significantly. In some States, the anti-corruption bodies had been given only a preventive mandate, including the function to raise public awareness and support for the Government's measures against corruption. In other States, the anti-corruption bodies had also been tasked with the conduct of investigations and/or the prosecution of cases of corruption.

13. One Member State reported on taking measures to fight corruption through the establishment of a single, independent anti-corruption body. The work of the body included (a) prevention; (b) combating corruption; and (c) education of society. The

body promoted a participatory approach involving other sectors and entities in the process of formulating the national strategy through a consultative council. The anti-corruption body was raising awareness of public officials on conflict of interest in the public sector through seminars. Furthermore, with respect to the finances of political parties, a publicly accessible online database had been established. The body had also introduced a public reporting system through a report centre, which was responsible for receiving reports and complaints on corruption cases from citizens. The identity of those reporting was protected. In addition, the anti-corruption body also had a key function to combat corruption through law enforcement and by performing operational activities and conducting criminal investigations.

14. Another State reported on establishing an independent anti-corruption body that enjoyed operational and managerial autonomy. The body was charged with leading the establishment of a national anti-corruption strategy composed of three parts corresponding to the three departments of the anti-corruption body: (a) prevention; (b) education and communication; and (c) investigations. Those departments were assisted by a consultative committee composed of members of the public, who participated by delivering advice on activities concerning education and prevention. The reporting State indicated the importance of combining the two aspects of prevention and education, which contributed to limiting the opportunities for corruption.

15. Some of the responding States reported on measures taken to enhance the transparency of the funding of political parties and to ensure the compliance of political parties with relevant laws and regulations. In one State, the latter function had been assigned to the independent anti-corruption body. Moreover, specific measures included the creation of a publicly accessible database reflecting the income and expenditures of political parties.

16. Several States reported that they had adopted codes of conduct for their public officials. While most of these are exclusively value based, others also contain specific requirements for public officials to declare their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest might result with respect to their functions.

17. Several States also reported on the measures they had implemented with regard to public procurement and management of public finances. Specific measures included the public distribution of information relating to procurement procedures and contracts.

18. Several States have adopted electronic systems for the purpose of enhancing transparency in the procurement process, including the broad accessibility of relevant information concerning individual tenders. In some countries, such systems not only provide information relevant to public procurement, but more broadly allow any interested individual or organization access to information regarding the allocation and expenditure of resources, as well as the implementation of projects financed from such resources, all with a view to enhancing transparency and accountability in the management of public resources.

19. With a view to enhancing transparency in its public administration, one responding State reported on its "transparency portal": a website through which the federal Government informs civil society about how resources collected from taxes

are being allocated. In the portal there is a comprehensive listing of expenditures, with reports on every transaction and transfer of resources to states, municipalities, the federal district and individuals. The portal also details the expenditures made by the federal Government through its ministries and agencies for procurement of goods and services.

20. Moreover, one State emphasized the importance of adopting measures to strengthen the capacity of the judiciary and prosecution services to prevent opportunities for corruption among its members.

21. Furthermore, several States underscored the importance of awareness-raising and educational measures to work towards a culture of non-tolerance of corruption. For that purpose, some of the responding States reported having introduced specific curricula on ethics and civic education in primary and secondary schools and universities.

22. Most of the States also reported on measures they had adopted in order to prevent laundering of the proceeds of corruption, including regulatory and supervisory regimes for banks and other financial institutions to ensure proper identification of customers and beneficial owners of funds, detection and reporting of suspicious transactions and reporting of substantial cash transactions.

### **C. Criminalization and law enforcement**

23. Concerning criminalization of offences established in accordance with the Convention, only a few of the responding States reported on adjustments, which they had either adopted or were planning to introduce. One State highlighted in particular the need to ensure the criminalization of active and passive bribery of foreign public officials and officials of public international organizations, as well as plans to establish provisions to ensure the suspension of the statute of limitations where the alleged offender had evaded justice.

24. Moreover, some States reported having adopted legislation to protect witnesses, experts, victims and persons who report incidences of alleged corruption from unjustified treatment.

25. Several States also described institutional arrangements adopted to combat corruption through law enforcement. While some States have given a law-enforcement mandate and powers to their dedicated anti-corruption body, others have opted for the creation of a specialized unit within the existing prosecution service. One State highlighted the importance of complementing the power to conduct reactive investigations with a mandate to gather criminal intelligence proactively on suspected cases of corruption. Some States also reported that the mandate of their specialized law enforcement body was not limited to detection, investigation and prosecution of offences established in accordance with the Convention, but extended to organized and economic crime. One reporting State highlighted the benefits of establishing flexible specialized task forces that would draw on specialized expertise in accordance with the needs of the investigation.

26. Another State reported on providing for the possibility of mitigating the punishment of an accused person who provided substantial cooperation in the

investigation or prosecution of an offence established in accordance with the Convention.

27. With a view to encouraging cooperation between national authorities, one State reported on the establishment of an inter-agency task force, which functioned in complex anti-corruption investigations and supported public authorities in investigating and prosecuting criminal offences by bringing representatives of judicial investigative bodies and regulatory or supervisory administrative authorities together in order to benefit from their expertise, experience and powers. The task force was organized in accordance with the kinds of assistance required, using special investigative techniques for evidence collection. It had proved to have functioned very well in complex anti-corruption investigations. Along the same lines, another State offered as a best-practice initiative an example of cooperation between national authorities in a specific criminal case. It was stated that by the successful resolution of that case, the trust of society in law enforcement institutions had been enhanced, as evidenced by an increase in reporting of various acts of corruption.

#### **D. International cooperation**

28. Only two of the responding States reported on best-practice initiatives related to international cooperation in accordance with chapter IV of the Convention. One State reported having concluded agreements to enhance the effectiveness of extradition. The same Member State also highlighted the establishment of a joint liaison group with another State with a view to establishing channels of communication between their competent authorities, as well as enhancing the effectiveness of law enforcement action to combat offences covered by the Convention.

29. The other responding State highlighted a best-practice initiative on mutual legal assistance, stating that, when requested, authorities provided the requesting State with details of the accounts concerned and extended cooperation with requesting States for the return of stolen assets.

#### **E. Asset recovery**

30. One responding State reported on best practices related to asset recovery in accordance with chapter V of the Convention, highlighting the comprehensive range of legal instruments and measures that had been put in place for identifying, freezing and returning assets of criminal origin. According to the responding State, experience had shown that the existing array of instruments was effective in dealing with assets of politically exposed persons, as over the past 20 years the State had returned approximately \$1.6 billion to various countries of origin. In particular, the “five pillars” to prevent the inflow of assets of politically exposed persons were prevention of corruption; identification of bank clients and origin of assets; reporting on suspicious transactions; mutual legal assistance to facilitate cooperation with the countries of origin; and restitution of stolen or fraudulently acquired assets as the main priority. Moreover, a concrete and successful example of an important restitution of illicitly acquired assets to the country of origin was reported.

## **F. Technical assistance and information exchange**

31. Two States reported best-practice initiatives in compliance with chapter VI of the Convention on technical assistance and information exchange. One responding State reported that conducting diagnostic analyses represented a best practice for planning and designing public policies to promote transparency. According to the response, the diagnostic analysis had contributed to improving the efficiency and quality of public policies and the distribution of public resources and had served as a useful tool to strengthen the participation of civil society in the management of public finances.

32. Another State reported on concrete efforts, in coordination with other States, as well as with international and regional organizations, to contribute at various levels to the implementation of the Convention. In particular, the respondent reported on a project under the Convention that adopted a pragmatic approach to the provision of technical assistance to developing countries and countries with economies in transition to assist them in meeting their needs to prevent and fight corruption and to help them to implement the Convention.

## **III. Concluding remarks**

33. Most examples offered in the responses from Member States emphasized prevention, which was considered fundamental by most of the responding States. Most of the reporting States took pragmatic approaches in carrying out anti-corruption initiatives in compliance with the various provisions under chapter II of the Convention. A good number of examples were received in compliance with different provisions under chapter III on criminalization and law enforcement. There were fewer proposals under chapter IV (International cooperation), chapter V (Asset recovery) and chapter VI (Technical assistance and information exchange). While the sample may not warrant definite conclusions, it appears that the implementation of at least chapters IV and V is not generating a significant volume of good practices as yet. Technical assistance and information exchange is also an area where more attention is warranted to identify, collect and disseminate good practices, also as a way of fostering the evolving dialogue among development assistance providers, and between such providers and partner countries.

34. Contributions received from States provided a glimpse into efforts to prioritize approaches in the fight against corruption. Education and awareness-raising campaigns appear to be emerging as high priorities, while receiving technical assistance in the form of capacity-building and training in order to better understand the Convention is also emerging as necessary. Another priority appears to be adapting legislation in line with chapters III and V.

35. It will be important to look at the outcome and the various best-practice experiences provided by different States as lessons learned and sharing of experiences. The next step would be to increase and systematize the effort of collecting, recording and disseminating good practices to enhance the implementation of the Convention.