



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

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## Working Group on the Prevention of Corruption

Vienna, 22-24 August 2016

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

**Implementation of Conference resolutions 6/6, entitled  
“Follow-up to the Marrakech declaration on the  
prevention of corruption”, and 6/7, entitled “Promoting  
the use of information and communications technologies  
for the implementation of the United Nations Convention  
against Corruption”: good practices and initiatives in the  
prevention of corruption**

## **The use of information and communications technologies for the implementation of the United Nations Convention against Corruption**

**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 the Conference in such a way as to avoid the duplication of discussions, while respecting their mandates. The Conference, in its resolution 6/7, further requested that the relevant subsidiary bodies discuss promoting the use of information and communications technologies for the implementation of the Convention in order to facilitate public sector transparency and combat corruption, and draw up a list of best practices on how to enhance and promote such use.

2. In its resolution 6/6, the Conference requested the Secretariat to continue, in close cooperation with relevant international organizations, partners and donors, to develop studies, training materials, guides and tools for Governments and sports organizations to enable them to further strengthen measures in that area.

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\* CAC/COSP/WG.4/2016/1.



3. In light of these resolutions, and as endorsed by the Bureau of the Conference at its meeting on 29 April 2016, it was decided that the topics for discussion at the forthcoming seventh intersessional meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, to be held in Vienna from 22 to 24 August 2016, would be:

(a) The use of information and communications technologies for the implementation of the Convention in order to facilitate public sector transparency and combat corruption;

(b) The protection of integrity in sport by promoting good governance in sport and mitigating the risk of corruption that sport faces.

4. At its second meeting, held in Vienna from 22 to 24 August 2011, the Working Group recommended that in advance of each future meeting of the Working Group States parties should be invited to share their experiences of implementing the provisions under consideration, preferably by using the self-assessment checklist and including, where possible, successes, challenges, technical assistance needs and lessons learned in implementation. The Working Group requested the Secretariat to prepare background papers synthesizing that information and decided that panel discussions should be held during its meetings, involving experts from countries who had provided written responses on the priority themes under consideration.

5. In accordance with the request of the Conference, the present note has been prepared on the basis of information relating to the implementation of articles 9, 10 and 13 of the Convention provided by Governments in response to the Secretary-General's note verbale CU 2016/111(A)/DTA/CEB/ISS of 18 March 2016 and the reminder note verbale CU 2016/70(A)/DTA/CEB/ISS of 26 April 2016. By 18 May 2016 submissions had been received from 27 States. The submissions from the following 26 countries contained information relating to the topic of use of information and communications technologies to implement the United Nations Convention against Corruption: Algeria, Armenia, Azerbaijan, Austria, Bosnia and Herzegovina, China, Colombia, Germany, Greece, Ecuador, Jamaica, Japan, Mauritius, Montenegro, Myanmar, Pakistan, Panama, Paraguay, Philippines, Portugal, Russian Federation, Slovenia, Spain, Turkey, United Republic of Tanzania and United States of America.

6. With the agreement of the countries concerned, the full text of the submissions has been made available on the United Nations Office on Drugs and Crime (UNODC) website of the meeting<sup>1</sup> and incorporated into the thematic website developed by the Secretariat.<sup>2</sup>

7. The present note does not purport to be comprehensive, but rather endeavours to provide a summary of the information submitted by States parties and signatories.

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<sup>1</sup> [www.unodc.org/unodc/en/treaties/CAC/working-group4.html](http://www.unodc.org/unodc/en/treaties/CAC/working-group4.html).

<sup>2</sup> [www.unodc.org/unodc/en/corruption/WG-Prevention/working-group-on-prevention.html](http://www.unodc.org/unodc/en/corruption/WG-Prevention/working-group-on-prevention.html).

## II. Analysis of submissions of States parties and signatories

### A. Thematic background

8. The use of information and communications technologies (ICT) in the fight against corruption is gaining momentum worldwide. The drive for innovation in anti-corruption efforts, fuelled by the rapid development of ICT, has led to interesting new solutions which may be used to reinforce transparency, build trust in government and increase the participation of society.

9. The overarching concept behind the use of ICT to prevent corruption is the belief that the direct access of users and clients to government information and services would promote transparency and accountability and would limit the face-to-face interaction of citizens with the public officials, thus limiting the opportunities for corruption.

10. The importance of the use of ICT was recognized by all States who made submissions. Based on both these submissions and on the previous work of the Working Group, it was clear that ICT were actively used to promote integrity in public procurement and management of public finances (article 9 of the Convention) and to strengthen public reporting mechanisms and provision of services to the public (article 10 of the Convention). ICT were also frequently used to promote the participation of society by encouraging the contribution of the public to decision-making processes, by ensuring that people have effective access to information, by promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption, by undertaking public information activities that contribute to non-tolerance of corruption, by disseminating information about the anti-corruption bodies in the country and by providing access to those bodies for the purposes of reporting of incidents of corruption (article 13 of the Convention).

11. In the area of public procurement, the trend towards using Internet tools to ensure transparency of the procurement process and to simplify the administrative procedures for participating in bidding which had been identified during the sixth meeting of the Working Group on Prevention, has been confirmed and reinforced by the submissions received.

12. In the area of public reporting, States parties indicated the extensive use of ICT in the form of centralized transparency portals and websites of individual government bodies to provide information to the public and to seek feedback, as well as using e-government solutions to simplify administrative procedures.

13. In the area of the participation of society, States parties pointed to the increasing use of ICT to promote the participation of society in government decision-making, to raise awareness on the risks of corruption, to provide information to the public and to strengthen the visibility of the anti-corruption bodies. In addition, the use of specialized websites and mobile telephone applications to facilitate the reporting of acts of corruption, including anonymously, appeared to be gaining momentum.

14. Some countries underlined the corruption risks associated with the introduction of new technological solutions and emphasized the need to address those risks at the earliest possible opportunity.

## **B. Measures adopted by States to use information and communication technologies to ensure full compliance with the Convention**

### **Integrity in Public Procurement and Management of Public Finances**

15. Article 9 of the Convention requires States parties to take the necessary steps to establish appropriate systems of public procurement, based on transparency, competition and objective criteria in decision-making, that are effective in preventing corruption. The systems are expected to address the need to provide broad access to information to the public and to potential bidders, including information on the selection and award criteria, as well as to simplify the procurement process.

16. For the sixth meeting of the Working Group held in 2015, a number of countries, including Argentina, Armenia, Belarus, Belgium, Bosnia and Herzegovina, Brazil, China, Ecuador, Germany, Israel, Japan, Malaysia, Mexico, Morocco, Nigeria, Peru, Portugal, Rwanda, Serbia and Uruguay, highlighted that they had employed new ICT solutions to strengthen the integrity of the procurement process and to increase transparency. The reported practices ranged from publication of procurement notices on government websites, to establishing Internet procurement portals which allowed interested future participants to download templates of documents, to fully integrated electronic solutions allowing paperless electronic procurement.

17. That trend has been reinforced in the information received in 2016, with Algeria, Armenia, Austria, Bosnia and Herzegovina, Greece, Jamaica, Mauritius, Panama, Paraguay, the Russian Federation, Turkey and the United States underlining the importance of ICT in public procurement systems. In addition, a number of States reported that they had moved from systems which only passively provide information to systems which allow for interaction with users and clients.

18. Some countries, such as Algeria and Panama, reported that the e-procurement portals which would simplify and integrate procurement procedures would become operational in the near future. Others, such as Armenia, Austria, Bosnia and Herzegovina, Ecuador, Germany, Greece, Jamaica, Japan, Mauritius, Paraguay, Portugal, the Russian Federation, Slovenia, Spain, Turkey, the United Republic of Tanzania and the United States, were already actively using online platforms to both provide for transparency of the procurement process and to simplify the submission of bids.

19. Armenia and the Philippines reported on the use of an electronic platform to provide access to procurement information and to raise awareness on procurement legislation.

20. Another group of States, including Austria, Ecuador, Japan, Spain, and Turkey, reported that they operated an integrated paperless e-procurement platform which

allowed for publishing procurement notices, downloading and submitting tender documentation and registering awarded contracts.

21. In addition, some States parties opted for introducing more than one Internet based system or introduced a system that has additional functions which could be useful for preventing and detecting irregularities and corruption.

22. Bosnia and Herzegovina noted that it had introduced two Internet-based procurement systems. The e-tendering system made tendering documentation available on the public procurement portal and permitted bidders to ask the contracting authorities for specific clarifications. The Public Procurement Agency developed a single information system, which enabled the publication of notices on public procurement procedures and submission of reports and also contained a register of national contracting authorities and tenderers.

23. Germany reported that contracting authorities and bidders could make submissions electronically. All information relating to procurements, including tender invitations and selection and award criteria, was published on both the German and European Union online platforms. The use of ICT would become mandatory for all the public procurement procedures at both the central and *Länder* level in 2018.

24. Greece highlighted that it had established a National Electronic Public Procurement System, an integrated solution which supported the preparation and publication of the procurement notice, the submission of bids, their evaluation and the preparation and signing of the procurement contracts. Information on awarded contracts was published in the “Diavgeia Information System” and on the “Central Electronic Registry for Public Procurement”.

25. Jamaica provided information on the launching of the Electronic Government Procurement System, an online platform which published procurement notices, made bidding documents available, allowed for the submission and receipt of bids and further allowed authorities to evaluate and select tenders. Public bodies were also required to publish procurement notices through the web-based Jamaica Information Service’s Public Procurement Page. In addition, the Post Contract Works Quality Complaints Form was made available online at the Office of the Contractor General’s website, allowing members of the public to report their personal observations regarding the execution of works in their communities.

26. Mauritius reported that an e-procurement system was launched to address the specific risks associated with corruption in procurement. In addition to the online publication of tenders and bidding documents and the electronic submission of bids, the system allowed for data management in order to detect overpricing or bid rigging.

27. Paraguay informed that three ICT systems were used in public procurement administration. The first, the *Aplicación Móvil de Contrataciones Públicas “Contrataciones PY”*, was an e-procurement tool aimed at improving the services provided by the National Directorate for Public Procurement. The second, the *Sistema de compras por catálogo electrónico*, was an Internet-based platform containing information on public procurement proceedings. The last, the *Sistema Público de Informes y Reportes*, was a tool provided by the Revenue Office website that provided access to information on public budgets and expenditures.

28. Portugal noted the use of a specialized public procurement portal since 2003. The portal allowed for free downloading of the bid documentation and specifications. It was also used to publicize procurement notices and to manage information exchange online. It contained a contract management tool which made all public contracts available on the Internet and facilitated the monitoring of implementation of contracts and e-invoicing.

29. The Russian Federation reported that the Ministry of Economic Development was responsible for operating the Single Procurement Information System. The system covered all aspects of the procurement process, allowed for monitoring of the contract implementation and ensured transparency of procurement.

30. Slovenia stated that the amendment of the Public Information Access Act in 2014 strengthened transparency in public procurement. Contracting authorities were obliged to publish the information on all new contracts within 48 days following the award of the contract or the selection of a partner for a public private partnership. This information was made available to the public on a dedicated online procurement portal. Metadata on contracts were also published in a machine-readable format and was updated on a quarterly basis. In January 2016, the Ministry of Public Administration launched another electronic platform, STATIST, which provided the public with comprehensive, direct and up-to-date information on all procurement contracts awarded since 2013.

31. The United States indicated that, to promote transparency in federal public procurement, several electronic systems that supported fraud detection in the contracting process were put in place. The System for Award Management required entities interested in applying for federal contracts to enter information on marketing, billing and business size and to be assigned a unique identification number. The information on the website was publicly accessible. The Federal Procurement Data System provided public access to data on all federal contracts with a value over \$3,000. The system contained information on procurement contracts, including the procuring entity, implementing entity, contract value, time, duration and location. In addition, a number of electronic procurement systems in individual agencies promoted transparency of contracts and subcontracts awarded by the federal Government. All of these platforms were reported to contribute to a robust redress system for bidders who suspected unfair contracting procedures.

### **Public reporting**

32. Ensuring transparency is critical for the successful prevention of corruption. The importance of keeping the public informed is underlined in Article 10 of the Convention, which requires States parties to put in place effective procedures or regulations allowing members of the public to obtain information on the organization, functioning and decision-making processes of the public administration and on administrative decisions and legal acts; to simplify administrative procedures in order to facilitate public access to the competent decision-making authorities; and to actively disseminate information, including periodic reports on the risks of corruption in the public administration.

*Using ICT to provide access to information on the organization, functioning and decision-making process of government bodies*

33. Many countries, including Armenia, Algeria, Bosnia and Herzegovina, Colombia, Germany, Greece and Mauritius, underlined the importance of using ICT to provide information to the public and to raise awareness on corruption. Extensive use of online transparency portals by central, regional and local level institutions to provide information on the internal structures and the procedures of the government bodies was reported. The functionalities of the portals ranged from systems which provided basic information on the structure of the public administration to systems which allowed for direct access to documents and interaction with users.

34. For example, in Armenia, electronic access was provided to the State Registry of the Legal Entities of the Ministry of Justice and to Datalex, an online portal of the judicial sector which includes information on legislation and case law and provides electronic services to citizens.

35. Austria noted that information on the organization, functioning and decision-making processes of the public administration and on decisions and legal acts could be found in the *Rechtsinformationssystem*. In addition, basic information and general descriptions of the administrative processes were also made available on the websites of federal ministries.

36. Bosnia and Herzegovina stated that public bodies were obliged to publish on their official websites laws, by-laws, financial reports, individual decisions, budgets, public procurement contracts, integrity plans, annual reports, rulebooks and any other relevant information which they use in their daily work.

37. In China, the website of the Central Commission for Discipline Inspection provided access to a database on laws and regulations.

38. Germany stated that the information concerning the organization, functioning and decision-making process of administrative and governmental bodies, including federal legislation was made available both in German and in English on the official websites of the public bodies or on specialized portals. Government data were collected and made available on an online portal where documents could be downloaded free-of-charge. The annual reports on the Government's anti-corruption activities, submitted by all federal ministries to the federal Ministry of the Interior, were also made available to the public online.

39. Greece indicated that, following the launching of the transparency programme in October 2010, all government institutions made their acts and decisions available on the Internet through the online transparency platform.

40. Using Internet platforms to ensure transparency of the internal work of the public administration, in particular to provide for transparency on recruitment processes as well as to provide access to income and asset declarations of public servants was underlined as a good practice by Colombia.

*Using ICT to simplify administrative processes and to provide services*

41. An emerging trend which could be identified in the submissions by States was the use of ICT to not only provide information on public services, but also to interact with the users and to provide actual services to citizens.

42. The importance of ensuring simplified, streamlined access to government services was emphasized by a number of countries, including Algeria, Armenia, Azerbaijan, Mauritius and Portugal.

43. Algeria stated that it had developed sectoral and thematic portals which provided citizens both with information on the public administration and with integrated interactive access to services. A central electronic portal was set up linking the information from more than 20 government departments. A call centre was established to facilitate interaction with public bodies. The police and the National Gendarmerie had put in place special hotlines allowing for effective interaction with the public.

44. Azerbaijan reported that it undertook reforms in relation to public service delivery in order to enhance transparency and simplify administrative procedures. The collaboration between state and private entities led to the establishment of “ASAN” centres. The centres were designed to provide a one-stop shop to a variety of government services. They employed a number of innovations, including electronic tools such as e-queue, websites and a call centre, which were used to improve transparency and the user-friendliness of the public service procedures.

45. Mauritius stated that local authorities extensively used their websites to disseminate information on the legislation and procedures relevant to the authority, to improve efficiency, simplify administrative procedures and to limit opportunities for corruption. Online services for obtaining licences, permits or clearances were provided by the Civil Status Division and at the Custom Department of the Mauritius Revenue Authority. Sixty-nine e-services had been made available on the e-government platform and an additional 50 new e-services would be added to the platform in 2016 and 2017.

46. Portugal reported that a portal allowing direct interaction of clients with the providers of public services had been developed. Over 905 services are available online for a total of 161 public agencies and entities. The SIMPLEX Program used electronic administration to simplify procedures for public services, such as registering a company. It also replaced licensing with a registration procedure and allowed for improved coordination between government bodies.

*Using ICT to raise the profile of the anti-corruption bodies and to provide information to the public on the anti-corruption activities of the government*

47. A number of States, including China, Jamaica and the Philippines, referred to the use of ICT as a key tool in ensuring the transparency of their anti-corruption bodies.

48. In China, for example, both online portals and mobile telephone applications were used to ensure transparency and strengthen public reporting. The official website of the Central Commission for Discipline Inspection, a specially developed mobile application as well as the official account on Webchat were used to provide information on enforcement of disciplinary measures and on inspections in real time. Since the launch of the official website of the Commission, China had published information about disciplinary misconduct in 121 cases of centrally-managed officials and in 1169 cases of director-general level officials.



49. The Philippines indicated that the office of the Ombudsman maintained a special website with extensive information for citizens, including information on the Convention.

*Using ICT to provide information to the public on the financial activities of the government*

50. Several countries, including Armenia, Jamaica and Slovenia, underlined the importance of making information on financial transactions of the Government as well as auditing reports public in order to promote transparency and accountability of the public administration.

51. Jamaica reported that the website of the Office of the Contractor General provided the public with access to the reports published by the Office.

52. Slovenia used the newly established “Supervizor” system which provided access to financial data as well as information on ownership of companies and on potential links between bidders for government contracts. The application was created to decrease risks of irregularities and abuse of functions and to limit systemic corruption, unfair competition and clientelism in procurement, while also strengthening the accountability of public officials for effective and efficient use of public finances. Since 2014, Supervizor has included transactions of companies owned by the local administration. It was reported that Supervizor contained data on approximately 146 million financial transactions from both the Government and local agencies for the period of 2003 to 2016 and allowed for the oversight of 4.7 billion euros of annual public expenditure. Supervizor further was able to match financial transactions to company records from the business registry, including names of directors and owners, thus providing a further insight into the links between the public and private sectors. Slovenia reported that Supervizor became an essential investigation tool used by both regulatory and supervisory bodies.

**Participation of society**

53. Article 13 of the Convention requires that States parties take measures to promote the participation of the civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness. Specific measures provided for by article 13, paragraph 1 include (a) enhancing the transparency of and promoting the contribution of the public to decision-making processes; (b) ensuring that the public has effective access to information; (c) undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula; (d) respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption, allowing for limited restrictions, provided for in the Convention.

54. Article 13 further requires the States parties to ensure that the anti-corruption bodies are known to the public and to provide access to such bodies for the purpose of reporting, including anonymously, of corruption.

55. Public education, in particular the engagement of children and young people and the role of mass media and the Internet, under article 13 of the Convention was addressed by the fourth meeting of the Working Group in 2013. The report of the

secretariat as well as the submissions of Algeria, Angola, Argentina, Austria, Belgium, Burkina Faso, Burundi, Cambodia, Chile, China, Ecuador, El Salvador, Israel, Mauritius, Mexico, Myanmar, Nigeria, Peru, Romania, the Russian Federation, Serbia, Spain, the former Yugoslav Republic of Macedonia, the United States, Uruguay and Venezuela (Bolivarian Republic of) were made available online.<sup>3</sup>

### **Enhancing the transparency of and promoting the contribution of the public to decision-making processes**

56. Improving public participation in the decision-making process is one of the primary strategies for promoting transparency and accountability and building public trust in institutions. Many States, including Bosnia and Herzegovina, Germany, Greece, Japan, Paraguay, Portugal, the Russian Federation, Slovenia and the United States, recognized the importance of ICT for promoting access to information and for seeking input and feedback from the public on specific policy initiatives.

#### *Using institutionalized consultation mechanisms to promote the participation of society*

57. Numerous countries reported that they had introduced measures that facilitate the contribution of the public to decision-making processes.

58. In some countries, including Armenia and Ecuador, this process was institutionalized through the establishment of specialized structures involving representatives of the civil society and the private sector. These bodies participated in stakeholder consultation processes and formulated recommendations to be considered by the respective government body which were later made available on the Internet.

59. Armenia reported that a Public Council was established as consultative body to improve the interaction with civil society. The Council had its own website, allowing for interaction with its members and the public. Armenia also underlined the important role of public consultations in the development of the new national anti-corruption strategy. A “Government-civil society” anti-corruption platform had also been established.

60. Ecuador reported that the Council of Civic Participation and Social Control was the body mandated to promote the participation of society in the country. It administered the consultation process and facilitated public debate, including through its website which was used also as a transparency platform. The Council also managed an automated system for access to information and public registries.

#### *Using Internet platforms and government websites to promote the participation of society*

61. An interesting practice which emerged from the analysis of the submissions was the use of government websites and mobile telephone applications to stimulate public debate over important issues and to allow citizens and civil society to provide input into government policymaking.

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<sup>3</sup> [www.unodc.org/unodc/en/corruption/WG-Prevention/awareness-raising-measures.html](http://www.unodc.org/unodc/en/corruption/WG-Prevention/awareness-raising-measures.html).

62. For instance, Bosnia and Herzegovina reported launching a web platform “*eKonsultacije*” to enable citizens and civil society organizations to access complete and timely information on the legislative process. The platform also provided a communication channel for citizens.

63. Germany reported that transparency and citizen participation were core principles of policymaking in Germany. Since 2014, the federal Government performed representative surveys on the quality of cooperation of citizens and the business sector with the public administration. Draft bills were published online and were made available for consultation. The website of the federal Government’s initiative “*amtlich einfach*” allowed the public to provide suggestions on how to improve draft legislation. Live-streaming of public debates and public hearings in the German Bundestag provided the public with the opportunity to follow the public decision-making process in a direct and transparent manner.

64. Greece reported that an online open-deliberation platform allowed citizens to participate in the policymaking and legislative process. Draft legislative acts and policy initiatives were posted on the website and citizens and organizations were invited to comment, make suggestions and express concerns. In many cases, the submitted comments were incorporated in the final text. Similarly, digital platforms allowed citizens to submit ideas and proposals on the improvement of public e-services.

65. Japan noted that the participation of the society in the decision-making processes was promoted through the Administrative Procedure Act which required mandatory public consultations through the e-government portal before issuing a regulation or an administrative act.

66. Portugal and Paraguay stated that online citizen portals were used to facilitate the interaction between the citizens and the public administration.

67. The Russian Federation reported the extensive use of Internet technologies and mobile telephone applications by public bodies at all levels (federal, regional and local) to promote interaction with citizens and as a tool for consultations on legislation and policies. The Internet portal [www.roi.ru](http://www.roi.ru) provided an opportunity for every citizen to make a policy suggestion to every level of government. All suggestions received were reviewed by a special working group at the relevant level. In addition, a federal online portal provided the opportunity to comment on draft legislation and allowed for stakeholder consultations and regulation impact assessments to be carried out at all levels of legislation. National public consultations were regularly held online to ensure the transparency of the procurement plans of the public bodies.

68. Slovenia recalled the use of Supervizor, the online application mentioned above, which enhanced the transparency of the expenditure of public funds. The tool proved to be particularly useful at the local level, where the information from Supervizor assisted in strengthening participation in the development of policies and in the allocation of financial resources. Supervizor was used by municipality councillors, municipality supervisory committees, members of boards of schools and institutions who used it for open discussions about the priorities of spending of public funds at the local level.

69. The United States indicated that the participation of society was promoted through several high-profile platforms and initiatives. “We the People” was an online platform that gave the citizens a direct line to voice their concerns to the administration via online petitions that call for action by the federal Government.

#### *Open Government Initiative*

70. The Open Government Partnership was mentioned a number of times in the submissions by the States, particularly in the context of open data. Making government datasets available to the public was considered important in order to strengthen the transparency of the public administration and to promote accountability by allowing the public to undertake their own analyses of the raw data.

71. For example, Japan noted that in light of the Open Government Data Strategy launched in 2012, over 80 per cent of the population had access to open data, with 16,000 datasets already registered in the online data catalogue. In the Russian Federation, more than 12,500 datasets had already been made available to the public.

72. In the United States, all government data was, by default, maintained in a format that was open and machine readable. The “Project Open Data” website enabled federal agencies, the private sector, the general public and other stakeholders to view details on how agencies were progressing on implementing the open data policy.

#### *Using public opinion polls to seek input and to promote participation of society*

73. Another interesting practice emerging from the submissions of the States parties was the use of public opinion polls and citizen feedback to inform anti-corruption reforms.

74. China noted that it actively sought public feedback to stimulate participation in the anti-corruption efforts. The Central Commission for Discipline Inspection and other discipline inspection authorities regularly conducted public opinion polls. A special web page on the website of the Central Commission for Discipline Inspection allowed citizens to make suggestions and offer opinions.

#### **Ensuring that the public has effective access to information**

75. In relation to access to information, the submissions received highlighted two complementary approaches: allowing members of the public to make specific requests for government information and pro-actively making government information available to the public.

76. Several States parties, including Armenia, Jamaica, Panama, Slovenia and the United States, reported that they had introduced specialized legislation on the access to information, recognizing it as important tool to promote the transparency and accountability of the public administration. These countries also made these laws and procedures available on the Internet.

77. Jamaica stated that the procedure to obtain access to documents was published on the Ministry of Justice website. Requests for information may be submitted by letter, e-mail, telephone, fax or in person.

78. Paraguay, Portugal, Spain and the Russian Federation reported actively using Internet technologies, including the websites of public bodies and transparency portals to provide access to information to citizens.

79. Slovenia underlined the importance of making public sector information available for reuse. It implemented the rules of the European Union Directive on reuse of public sector information in 2005, including through its Supervisor system.

80. The United States noted that, under the Freedom of Information Act, federal agencies were required to disclose any information requested as well as to proactively post online certain categories of information, including frequently requested records. Most federal agencies accepted requests for information electronically, including by web form, e-mail or fax. A website established under the Act also promoted accountability by publishing agencies' quarterly reports and graphically displaying detailed statistics which could be compared by agency and over time. The United States Office of Government Ethics, which was responsible for providing overall leadership and oversight of the Executive ethics programme, used its website to ensure the public had access to information. The Office also used social media to broaden its reach to key external stakeholders and to make the information posted more useful to these stakeholders. Further, financial disclosure reports for persons in the public service who were presidentially appointed and senate-confirmed had been made publically available, upon request, since 1979.

**Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula**

81. Broad participation of society in the fight against corruption and strong public support for the anti-corruption measures of the Government is a key element for the success of anti-corruption efforts.

82. The implementation of this provision of the Convention has already been subjected to analysis during the fourth meeting of the Working Group in 2013 in which States shared their experience on public education, in particular with regard to the engagement of children and young people and the role of mass media and the Internet.

83. At that time, a number of States parties, including Burundi, Chile, China, Ecuador, El Salvador, Israel, Mauritius, Nigeria, the Russian Federation, Serbia, Spain and the United States, reported using ICT to carry out public information activities that contribute to non-tolerance of corruption or as part of public education programmes, including at schools and universities. The reported practices ranged from using institutional websites to provide information to carrying out coordinated anti-corruption campaigns on the Internet.

84. The analysis of the submissions received for the present meeting revealed that States parties, including Armenia, Austria, Bosnia and Herzegovina, China, Germany, Jamaica, Mauritius, Montenegro, the Russian Federation and the United States, continued to implement a number of initiatives aimed both at the public at large and at specific groups of the population which promoted integrity and sought to build public support for anti-corruption action.

85. In Armenia, the Ministry of Justice regularly prepared and published awareness-raising media programmes on corruption. In 2015, all state agencies started to conduct anti-corruption informative programmes. Germany reported that bodies responsible for preventing corruption were made known to the wider public with their contact details available online.

86. The role of the media in the fight against corruption was recognized by Armenia, which organized special training courses for media representatives to enhance their knowledge and skills.

*Anti-corruption programmes for youth*

87. Many countries, including Armenia, Austria, Bosnia and Herzegovina, Germany, Jamaica and the Russian Federation, emphasized the importance of strengthening the knowledge and skills of youth in order to strengthen their integrity and to build intolerance to corruption.

88. Both Austria and Jamaica reported on efforts to raise awareness on anti-corruption matters among adolescents and young adults. The Austrian Federal Bureau of Anti-Corruption, in close coordination with students from Austrian universities, assisted in developing a tailor-made mobile telephone application and developed the creative content of the application. The application was designed to confront its future users with ethical dilemmas and thus to raise their awareness of corruption, ethics and integrity. The launch of the mobile application was scheduled for the summer of 2016. To promote integrity from earliest age, Jamaica reported that it had created an online “Children’s Corner” website to raise the awareness of youth on issues of corruption.

89. In Armenia and the Russian Federation, special anti-corruption courses were introduced in schools and at universities. Germany, in contrast, reported that it focused its education efforts primarily at universities. At the university level, curricula for law and business studies were modified to include workshops on the basic principles of public service.

90. Bosnia and Herzegovina underlined the importance of addressing corruption within the education sector. It launched a number of educational projects to provide information on the nature, causes and consequences of corruption. The overarching goal was to contribute to the reduction of corruption within the education system in general and in universities in particular. A study entitled “Corruption in Higher Education: Fiction or Reality?” had been carried out in order to identify specific corruption risks and to suggest strategies for addressing them.

*Developing anti-corruption programmes for public officials*

91. States parties, such as China, Germany, Jamaica and Mauritius, underlined the importance of building the knowledge and skills of the public officials on the governmental anti-corruption policy and of the dangers posed by corruption. To this end they had introduced programmes for the public service that provided information and raised awareness as well as programmes that built skills among public officials to identify and manage ethical dilemmas and conflicts of interest.

92. China stated that in order to raise awareness of the central policies on anti-corruption, high-level officials were regularly invited for online interviews on the official website of the Central Commission for Discipline Inspection.

93. In Germany, the fight against corruption was included in various advanced training courses offered by the Federal Academy of Public Administration since 2000. New public officials were trained on the basic principles and the relevant rules of conduct in on-the-job orientation sessions. In ministries and public authorities, corruption prevention had become a key element of the orientation sessions. In addition, public authorities provided additional, job-specific instructions at regular intervals to staff members working in or transferred to areas especially vulnerable to corruption.

94. Mauritius reported that a new Online Learning Management System was developed in 2016. The system provided for web-based courses for public officials, including one on the prevention of corruption which contained case studies on corruption, identified risk areas, and provided anti-corruption tools to enhance organizational integrity. Public officers were trained to recognize, resist, reject and report corruption while reinforcing public sector integrity.

#### *Using social media to raise awareness on corruption*

95. Another important trend identified as early as the second meeting of the Working Group in 2011 was the use of social media as a vehicle for awareness-raising programmes. At that time, Nigeria and the United States had provided information on their use of Facebook, Twitter and blogs to raise awareness.

96. In the submissions received for the present meeting, Ecuador, Jamaica, the Russian Federation and the United States highlighted that they extensively used social networks to provide government information and to stimulate participation.

97. For example, in Jamaica, the Office of the Contractor General utilized its website as well as social media to disseminate information to the public. The website featured a link to social media platforms which documented the Office's public engagement activities to increase awareness on its operational activities and on its educational and outreach programmes.

98. The Russian Federation indicated that the Federal Ministry of the Interior organized regular awareness-raising programmes at all levels, targeting both the public at large as well as special target groups, and using social media, government and electronic media.

99. The United States noted that many federal agencies actively used social media to raise awareness about the efforts of the United States to combat corruption both internationally and domestically, including in relation to International Anti-Corruption Day. The Government also utilized the Internet as a platform for making educational materials available to the public.

#### **Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption**

100. The Convention requires States to adopt measures that respect, promote and protect the freedom to seek, receive, publish and disseminate information

concerning corruption, subject only to restrictions provided for by law and necessary for respect of the rights or reputations of others and for the protection of national security, *ordre public* or public health or morals. This provision echoes article 19 of the International Covenant on Civil and Political Rights. The effective exercising of this right by citizens is an important prerequisite for public oversight, strengthened accountability and improved transparency of the Government and strongly increases the likelihood of detection of corruption.

101. The submissions received indicated that the freedom to seek, receive and disseminate information is considered an important anti-corruption tool and is promoted in many of the States parties. Many States pointed out that the limitations to the freedom to seek, receive, publish and disseminate information concerning corruption are contained in their general access to information legislation, as described in the previous sections.

102. Colombia, Ecuador and Panama reported that they made extensive use of ICT, including government websites, Internet portals and Internet resources of specialized transparency institutions such as the ombudsman, to receive requests for information and to proactively provide information to the public. Their legislation allowed for the public to seek and disseminate information and contained clear and exhaustive exceptions to the right to information.

103. Germany noted that under the Freedom of Information Act, the public was able to request, including by e-mail, official information held by federal authorities. A request could only be rejected if the information sought fell within one of the exceptions provided for in the Act. A refusal to provide information could be appealed to an administrative court. The restrictions applicable to that freedom were provided for by the German Constitution: when provided by law, for the protection of young persons, and for protection of privacy.

104. In Greece, the information could be provided to the public except for when it was related to matters of national security or personal data protection.

105. In Jamaica, the Office of the Contractor General proactively and systematically published the findings of its investigations in relation to corruption on its website. The Office's investigative reports, once presented before Parliament, could be made available to the public upon request. Information gathered by the Office or received from complainants was treated in most cases as confidential. The Office was restricted from disclosing certain information, such as information that related to the security and defence of Jamaica.

106. Japan reported that its legislation provided for clear and limited exceptions to the right to information. Pursuant to the Administrative Complaint Review Act, citizens had the right to appeal the refusal to provide information. The Act on Access to Information Held by Administrative Organs set out the legal conditions regulating the non-disclosure of an administrative document with an emphasis on personal data protection.

107. The United States stated that information about corruption was proactively and systematically published by several government agencies and in response to citizen requests unless it fell under one of nine exemptions which protect interests such as personal privacy, national security and law enforcement. The Federal Bureau of Investigation published on its website information on specific corruption cases,



relating to various incidents of corruption within state agencies, elected officials, and individuals within civil society. Similarly, the Office of Government Ethics annually issued a survey, available on its website, of conflict of interest prosecutions. The General Services Administration also proactively published a list of entities suspended and/or debarred from receiving procurement contracts. The Freedom of Information Act also provided the public the right to request access to records from any federal agency.

**Making relevant anti-corruption bodies known to the public and providing access to such bodies for the reporting, including anonymously, of corruption**

108. Ensuring that the anti-corruption bodies are known to the public and enjoy public trust is important for their successful operation. All States indicated that they were taking measures to ensure the visibility of the anti-corruption bodies and to promote reporting of corruption. Great importance was attached to the development of effective reporting mechanisms which would contribute to the detection of corruption and to subsequent effective investigations and prosecutions.

109. An important trend in the submissions was the increasing use of Internet and mobile telephone applications to both provide information to the public on the activities of anti-corruption bodies and to seek input and feedback.

110. In relation to the reporting of incidents of corruption, a widely known tool, the hotline — both in its classic form of a telephone hotline and in the form of feedback web pages or mobile telephone applications — was broadly used to provide communication channels to citizens in order to report corruption.

111. While some States such as Algeria, Austria, Bosnia and Herzegovina, Germany, Jamaica and Japan, had adopted a flexible approach to allowing anonymous reporting, others would either not allow for anonymous reports or would use the anonymous reports only as a basis for a preliminary inquiry. All States who made submissions emphasized that they respected the confidentiality of the persons who report corruption.

112. Algeria stated that the Central Office for the Prevention of Corruption, and the National Security Committee had set up pages on their websites which allow citizens to anonymously report acts of corruption. In addition, the National Gendarmerie had simplified the procedures to file corruption complaints.

113. Armenia reported that the Investigative Committee website allowed the public to access information concerning its functions and powers as well as details on criminal procedures and proceedings. Complaints could be submitted online or via mail. Citizens could also complain to the internal security department of the Investigative Committee regarding abuse of power or violations committed by Committee staff. The confidentiality of the reporting person was respected. Anonymous complaints, complaints with a false signature or complaints written on behalf of a fictitious person were not considered sufficient to initiate a prosecution. Nonetheless, such complaints might trigger an operational investigation to confirm the accuracy of the information.

114. Austria indicated that the Austrian Federal Bureau of Anti-Corruption had established a “Single Point of Contact” which was the main contact point to report incidents of corruption. The contact was available 24 hours a day, seven days a

week and could be reached by post, fax, e-mail or telephone. All reported allegations were treated confidentially and anonymous reporting was possible. Complainants were asked to provide some contact detail, to ensure that they may be further interviewed if necessary. The Federal Public Prosecutor's Office for Economic Crime and Corruption provided a completely anonymous communication channel through the "whistle-blower website" to report cases of corruption and white-collar crime. The website allowed persons with knowledge of cases of corruption to provide information through an anonymous electronic mailbox which allowed investigators to directly contact the whistle-blowers and ask them questions without compromising their anonymity.

115. Bosnia and Herzegovina reported that a free whistle-blower hotline was established for employees in the central institutions that allowed for confidential and anonymous reporting. In order to improve the processing of reported acts of corruption, the Agency for Prevention and Fight against Corruption, in cooperation with the United Nations Development Programme had developed a database and software for reporting corruption. In addition, at the entity level, Republika Srpska developed an online application for reporting corruption. The person who reported the act of corruption was able to check the subsequent progress of the investigation.

116. China reported that the official website of Central Commission for Discipline Inspection displayed the phone number, e-mail address and a web page for filing a report of corruption. A mobile telephone application named "fight against the four forms of decadence in one click" enabled the reporting of corruption by the public. Statistics showed that reports made through the Internet comprised 50 per cent of all reports, while those made through Webchat accounted for about 33 per cent of all reports.

117. Germany noted that anyone aware of a criminal offence or with reason to believe that a crime had been committed could contact the law enforcement authorities. Reports could also be made anonymously, online or by telephone. Some public authorities commissioned specialized staff to allow for anonymous reporting or used online platforms to facilitate anonymous reporting. Jamaica stated that members of the public might report acts of corruption, including anonymously, through the Office of the Contractor General's "Report Impropriety" link on its website.

118. Japan reported that its legal system foresaw the possibility for any person to report anonymously acts of suspected corruption to the competent authorities.

119. Mauritius informed that it used a secure online reporting form through which complaints on alleged corruption could be submitted in strict confidentiality. Montenegro noted that the Agency for Prevention of Corruption regularly carried out broad anti-corruption campaigns to promote whistle-blowing and to inform the public of the existing communication channels to report corruption.

120. Paraguay reported that an open registry and follow-up system on corruption cases had been established, providing updated information on ongoing corruption cases. Portugal highlighted that it had made the electronic reporting of corruption allegations possible. The complainant's identification could remain confidential and the complainant would be assigned an identification number in order to be updated on the status of the investigation.

121. The Russian Federation indicated that the anti-corruption bodies in the country allowed for citizens to report corruption directly through telephone hotlines, the institutional websites or using innovative mobile telephone applications. Anonymous reporting might give rise to a preliminary verification to whether the incident of corruption had taken place.

122. The United States noted that it had multiple anti-corruption bodies that were responsible for detecting and investigating corruption. All federal agencies had their own Office of Inspector Generals to which the public can report information, using online submission portals, e-mail or a dedicated telephone hotline, relating to waste, fraud, abuse or mismanagement involving federal programmes or employees. The Office of Special Counsel maintained an online platform that allowed individuals to report corruption. Individuals could further submit complaints of corruption online to legislative committees. While these online platforms did not allow users to file reports anonymously, they did stipulate that any information provided would be kept confidential to the fullest extent possible. Whistle-blowers could also e-mail the Fraud Section of the Department of Justice to report suspected acts of bribery, including foreign bribery.

### **III. Conclusions and recommendations**

123. The submissions by States ahead of the meeting of the Working Group clearly demonstrate the scope of information and communications technologies that are used to more effectively implement the relevant articles of the Convention. Most of the measures reported were practical, technologically oriented and required both legislative reform and the upgrading of the technologies used by the public administration.

124. As part of its discussions, the Working Group may wish to consider how States can reinforce efforts to use information and communication technologies to effectively prevent corruption.

125. The Working Group may also wish to discuss challenges of using ICT given the broad range of applicable implementation measures and the utility of ICT in different environments, taking into account factors such as the levels of literacy in general and computer literacy in particular; the availability of technology, including computers and mobile telephones; and Internet penetration.

126. The Working Group may further wish to recommend to States parties that they strengthen the exchange of information on how they use ICT to achieve better implementation of the Convention.

127. The Working Group may wish to request the secretariat to continue its efforts to gather information on good practices related to use of ICT to achieve better implementation of the Convention, particularly in the context of the second implementation review cycle.