



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

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Good practices and initiatives in the prevention of corruption: The public sector and prevention of corruption; codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention)*

Background paper prepared by the Secretariat

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* This document has not been formally edited.



I. Introduction

1. At its third session, held in Doha from 9 to 13 November 2009, the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) adopted resolution 3/2 on measures to prevent corruption. In that resolution, the Conference decided to establish an interim open-ended intergovernmental working group (hereinafter, the Working Group) to advise and assist it in the implementation of its mandate on the prevention of corruption. The working group was set up in accordance with article 63 of the United Nations Convention against Corruption.¹

2. Pursuant to resolution 3/2, the first meeting of the Working Group was held in Vienna from 13 to 15 December 2010. The Working Group recommended that each of its future meetings focus on a specific and manageable number of substantive topics drawn from chapter II of the United Nations Convention against Corruption. The Working Group also recommended that its second meeting focus on the following topics:

(a) Awareness-raising policies and practices, with special reference to articles 5, 7, 12 and 13 of the Convention;

(b) The public sector and prevention of corruption: codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention).²

3. The Working Group further decided that the Secretariat should continue to carry out its information-gathering activities relating to chapter II of the Convention, concentrating on good practices and initiatives relating to the implementation of that chapter as established by States parties. It should also continue to collect information on existing expertise within the United Nations system and other relevant organizations in the prevention of corruption and, in doing so, should pay attention to the specific features of anti-corruption strategies and policies in different sectors. The Working Group requested the Secretariat to report to it at its next meeting on the activities undertaken pursuant to its recommendations.

4. In compliance with this request, the present background paper has been prepared on the basis of information provided by Governments in response to the Secretary-General's note verbale³ of 18 March 2011 and reminder note verbale CU 2011/67(A) of 26 April 2011, by 27 May 2011.⁴ Furthermore, the paper reflects an attempt to collect and provide information on existing expertise within the United Nations system and other relevant organizations in the prevention of corruption, paying attention to the specific features of anti-corruption strategies and policies in different sectors.

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

² CAC/COSP/WG.4/2010/7.

³ CU 2011/45(A).

⁴ The Member States concerned are: Argentina, Armenia, Austria, Bahrain, Cambodia, Chile, China, Cyprus, Czech Republic, Egypt, El Salvador, Georgia, Germany, Japan, Jordan, Latvia, Madagascar, Mauritius, Mexico, Nicaragua, Pakistan, Panama, Philippines, Romania, Russian Federation, Switzerland, Uruguay, Viet Nam. Furthermore, the European Union, on behalf of its member States, has furnished relevant information. The full texts of all submissions are made available on the UNODC website.

5. The present report does not purport to be comprehensive, but rather provides an overview of practices in preventing corruption as supplied by Member States or as identified by relevant agencies, funds and programmes of the United Nations and other relevant organizations.

6. Summarized information on good practices in promoting integrity and transparency in public administration and on regulation models for the public sector, including provisions addressing conflicts of interest and professional codes of conduct, was provided in the background paper submitted to the first session of the Working Group in December 2010.⁵ That information was complemented by a further background paper, on prevention of corruption in public procurement.⁶ With regard to relevant initiatives within the United Nations system on good practices in the implementation of the provisions of the Convention by the organizations of the United Nations system, relevant information was provided in a specific background paper on the topic.⁷

7. An account of good practices regarding awareness-raising policies and practices, with special reference to articles 5, 7, 12 and 13 of the Convention, is provided in a separate background paper prepared by the Secretariat.⁸

II. The public sector and prevention of corruption — general

8. Public confidence and accountability in public administration are instrumental to the prevention of corruption. The adoption of high standards of integrity and transparency is a fundamental principle of good governance.

9. Under the Convention, States parties are required to take measures to enhance transparency in their public administration relative to its organization, functioning, decision-making processes and/or other aspects, in accordance with the fundamental principles of their legal system. Preventive measures directed at the public sector also include safeguards for the public service that promote efficiency, transparency and recruitment based on merit. Preventive measures further include the application of codes of conduct, requirements for financial and other disclosures, and appropriate disciplinary measures.

III. Codes of conduct and financial disclosure requirements (article 8 UNCAC)

A. Good practices reported by Member States

10. The Convention requires the active promotion of personal standards (integrity, honesty and responsibility) and professional responsibilities (correct, impartial, honourable and proper performance of public functions) among all public officials. To achieve this, guidance is to be provided on how public officials should conduct

⁵ CAC/COSP/WG.4/2010/2.

⁶ CAC/COSP/WG.4/2010/3.

⁷ CAC/COSP/WG.4/2010/5.

⁸ CAC/COSP/WG.4/2011/2.

themselves in relation to those standards and how they may be held accountable for their actions and decisions.

11. Professional codes of conduct are foreseen by article 8, paragraph 2, of the Convention, which stipulates that State parties shall endeavour to apply codes of conduct for the correct, honourable and proper performance of public functions. In line with paragraph 3 of article 8 of the Convention, States parties are required to take note of relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials annexed to General Assembly resolution 51/59 of 12 December 1996. Key components of the Code are provisions addressing conflicts of interest and the requirement of impartiality for public officials in decision-making processes.

12. Other models for sector-specific codes of conduct are the Code of Conduct for Law Enforcement Officials;⁹ the Code of Ethics and Code of Conduct for All Law Enforcement Officers (1999) of INTERPOL; and the Bangalore Principles of Judicial Conduct for Judges,¹⁰ complemented by a commentary to the Bangalore principles published by UNODC in 2007.¹¹

13. Many Governments have reported to the Secretariat on progress made in the implementation of article 8 of the Convention. Almost all responding Governments have established codes of conduct for public officials, or developed standards relevant to the duties and functions of the employees to whom they apply in government and public administration. Many Governments introduced dedicated codes of conduct targeting specific sectors of the public service, such as public procurement staff, the judiciary, law enforcement staff, or members of legislative bodies. Governments also adopted measures to facilitate reporting by public officials and/or the general public of acts of corruption, on disclosure systems and measures to deal with conflicts of interest, and disciplinary measures. An overview of the replies received in relation to the implementation of article 8 of the Convention is presented in the following paragraphs.¹²

(i) *Promotion of integrity, honesty and responsibility among public officials*

14. In 2010, Bahrain established an administrative inspection department within the Civil Service Directorate with central administrative inspection powers over civil servants of government agencies. The department conducts on-site inspections of government agencies, formulates recommendations for remedial action and monitors implementation.

15. In China, the Civil Servant Law of 2006 aims at promoting integrity, honesty and responsibility among public officials in a comprehensive manner. The new law lays down the principles and scope of civil servant administration, defines the standards and procedures of public administration, and regulates in detail the rights and obligations of civil servants.

⁹ Adopted by General Assembly resolution 34/169 of 17 December 1979.

¹⁰ Endorsed by the Economic and Social Council (resolution 2006/23).

¹¹ www.unodc.org/documents/corruption/publications_unodc_commentary-e.pdf.

¹² Information reflected in the background paper CAC/COSP/WG.4/2011/2 is not repeated in this paper.

16. To promote transparency and access to public information, a special liaison unit of the Attorney General's Office of Mexico gathers and disseminates information on the structure, procedures and services of the Office, including salary tables of officials, performance reports, results of the annual budget audits, and information on procurement procedures.

17. In Uruguay, the standards of conduct for proper performance of public functions are laid down in the "Standards of Conduct in Public Administration", a compilation of existing national legislation on the topic. It confers to the Transparency and Public Ethics Board (JUTEP) the responsibility to disseminate information on anti-corruption legislation related to the conduct of public officials, particularly on asset and income declarations.

(ii) *Standards of behaviour and codes of conduct*

18. Most countries use a code of conduct or equivalent public statement, establishing clearly what is expected of a specific public official or group of officials, and warning of the consequences of failing to act ethically, thus providing the basis of disciplinary action in cases where an employee breaches or fails to meet a prescribed standard.

19. Armenia adopted a code of ethics for public servants and specific codes of conduct for State civil servants, judges, prosecutors, and municipal employees. Its code of conduct for diplomats establishes the rules of ethical conduct for diplomats in the performance of, and outside, their duties. In April 2010, the General Assembly of Judges established a code of conduct for Judges.

20. In Cambodia, a number of sector-specific codes of conduct are in place for different categories of public officials, including magistrates, internal auditors, officials of the National Bank, and health officials.

21. China has issued a series of codes of conduct and ethical rules for civil servants, to ensure a standardized and honest performance of their official duties.

22. In the Czech Republic, a new draft Public Servants' Code of Ethics will be submitted to the Government containing specific anti-corruption mechanisms and procedures. An ethics code for elected public officials will also be developed by the Ministry of the Interior, in cooperation with deputies and senators.

23. The Transparency and Integrity Committee¹³ of the Government of Egypt drafted a code of professional conduct for civil servants, drawing on successful international practices. The draft code was prepared by anti-corruption experts and high officials of public administration, subjected to a review that conformed to international standards for modern administration was approved, in 2010, by a joint ministerial committee. The code of conduct will be promulgated in the form of an annex to the soon-to-be-adopted *Law on the Public Function*, which will amend the current civil service legislation of 1978.

24. In 2010, a State auditors' code of ethics entered into force in Georgia. The code contains a comprehensive statement of values and principles to guide the

¹³ Established within the Ministry of State for Administrative Development as a standing anti-corruption body.

daily work of public sector auditors, which was developed in accordance with the standards of the International Organization of Supreme Audit Institutions (INTOSAI).

25. In Japan, the National Public Service Act provides the legal framework for the standards for the performance of public duties for national public servants. The National Personnel Authority (NPA) has responsibility for enforcing these standards.

26. Jordan indicated having a Code of Professional Conduct and Public Service Ethics in place to ensure integrity and transparency in public administration.

27. In Latvia, each institution of public administration and local government has its own code of ethics for its officials. The Corruption Prevention and Combating Bureau (KNAB) of Latvia has drafted a code of ethics for the Government. KNAB conducts regular anti-corruption training seminars for public officials and develops brochures on ethics in activities of public officials and employees in state and municipal institutions.

28. Provisions dealing with the correct conduct of public officers during electoral campaigns were included into the Code of Ethics for Public Officials of Mauritius in 2009. The country's anti-corruption body developed a Model Code of Conduct for Parastatal Bodies, setting out the basic principles that need to be observed by those bodies in the development of their own codes of conduct.

29. In Mexico, a code of ethics lays down the ethical principles governing the conduct of public servants of the Federal Institute for Access to Information and Data (IFAI). The Attorney General's Office adopted a code of conduct based on legality, fairness and transparency, which includes an integrated staff development strategy emphasizing anti-corruption values and behaviours.

30. Nicaragua adopted a Code of Ethical Conduct for civil servants of the public administration in 2009, and launched a strategy for the promotion and implementation of the Code. Through the designation of ethics officials and an integrated inter-agency network of promoters of public ethics, it has been possible to train about 2,700 public officials on the objectives and provisions of the Code.

31. Pakistan indicated that codes of conduct and standards for public officials are regulated through both civil and criminal legislation, which also facilitate initiation of civil and criminal proceedings against public officials found involved in corruption.

32. In Panama, the Rules of Procedure of the Presidency of the Republic serve as a model for other government agencies to develop their own standards and codes of conduct based on the principles of ethical conduct, transparency and proper performance of public functions, and to establish adequate sanctions for public servants for breaches of such conduct.

33. In the Russian Federation, the Presidium of the Council of the President for Countering Corruption adopted a Model Code of Ethics and Official Conduct for Officials of State and Municipal Agencies in 2010, in accordance with key international model codes of conduct.¹⁴ Many federal State agencies have adopted

¹⁴ International Code of Conduct for Public Officials (General Assembly resolution 51/59 of

professional codes of ethics for the conduct of officials. For instance, the Prosecutor-General's Office of the Russian Federation approved a code of ethics and a training programme for employees of the public prosecution service in 2010.

(iii) *Reporting by public officials of acts of corruption*

34. An important means to identify breaches of a code of conduct is to introduce an effective system for reporting suspicions of breaches in general, and corruption in particular ("whistle-blowing").

35. Whistle-blower protection ranks high among priorities in States' anti-corruption efforts. Many governments have established hotlines to enable citizens to obtain legal advice after having experienced corrupt conduct in the public sector, or to facilitate reporting of such conduct. Many Governments have also taken measures for the protection of whistle-blowers, i.e., persons who have alleged, in good faith, an infraction or an irregularity or for having acted as a witness.

36. In 2010, the Czech Ministry of the Interior published information at its website on how and where to report corruption, how to respond when one is asked for a bribe by a public official, and on the protection of whistle-blowers. The Czech Ministry of Interior is in the process of preparing an analysis of whistle-blowing and the protection of whistle-blowers for submission to the Government as a basis for later development of measures and systems facilitating the reporting of corruption. The analysis is expected to be completed by December 2011.

37. A whistle-blowing system was introduced in Japan in 2005. Currently, whistle-blowing contact points are installed in the Cabinet Office, all Ministries, and the National Public Service Ethics Board (NPSEB). Efforts are now made to further improve protection of whistle-blowers.

38. Jordan prepared new draft legislation on measures to encourage whistle-blowing and reporting of cases of corruption, including protection of, and material assistance for, whistle-blowers and their families.

39. In Madagascar, an Ethics Code for Public Administration and Conduct of Public Officials was adopted in 2003. The country's anti-corruption agency is elaborating codes of conduct for public officials in the various sectors of public administration, such as Ministries of energy and mining, judicial and penitentiary administrations, police, customs and tax authorities.

40. The anti-corruption body of the Philippines is preparing a web-based programme to provide a tool for confidential reporting of irregularities in public administration that will also allow monitoring progress in the investigation of specific cases.

41. In Panama, a telephone hotline has been established to enable all citizens to report acts of corruption and irregularities in public administration. Some

12 December 1996), the Model Code of Conduct for Public Officials (annex to Recommendation No. R (2000) 10 of the Committee of Ministers of the Council of Europe of 11 May 2000), the Model Law on the Principles of Municipal Service (adopted at the nineteenth plenary session of the Interparliamentary Assembly of the Commonwealth of Independent States (CIS) (Decision No. 19-10 of 26 March 2002)).

institutions also maintain their own hotlines or Internet portals where any person can report such complaints.

42. Current legislation in Romania ensures protection of public officials reporting any deed that constitutes an infringement upon law or a breach of codes of conduct, when such acts come to their attention in the performance of their functions. In disciplinary proceedings, civil servants and other categories of public personnel benefit of the bona fides presumption, until the contrary is proven. If the person denounced by whistle-blowing is the direct or indirect superior of — or has prerogatives to control, inspect or evaluate — the whistle-blower, the identity of the whistle-blower must not be disclosed.

43. In the Russian Federation, a public official is required by law¹⁵ to report any attempt at inciting him/her to commit a corruption offence. Complying officials receive the protection of the State, while failure to report will result in the official's dismissal from service or other sanctions. Methodological recommendations on the procedure to be followed for notifying such attempts, and for verifying and registering such notifications have been developed, agreed and disseminated at all levels.

44. In Switzerland, protection of whistle-blowers was improved by law. All federal employees are now required to report offences prosecuted ex officio of which they have knowledge, or of which they were informed in the performance of their duties. They also have the right to notify the Federal Audit Office (the official channel for reporting on irregularities) of other irregularities of which they have knowledge or of which they were informed in the exercise of their functions.

(iv) *Disclosure systems and measures to deal with conflicts of interest*

45. The Convention promotes the introduction of general provisions on conflict of interest, incompatibilities and associated activities, aiming at creating a culture where the public service provision is transparent and impartial, where the offering and acceptance of gifts and hospitality is discouraged and where personal or other interests should not appear to influence official actions and decisions.

46. In Argentina, the ethics law¹⁶ provides for a disclosure system applicable to all civil servants, to prevent or detect possible incompatibilities and conflicts of interest. The names of officials who fail to comply with the requirement of regular submission of asset declarations are published on the website of the country's anti-corruption office.

47. In Armenia, the declarations of judges' income and assets are published on the official website of the Ministry of Justice.¹⁷

48. For the first time, an asset and liability declaration exercise has been conducted in Cambodia in 2011, involving about 24,000 officials from 38 institutions of the public administration.

¹⁵ Federal Anti-Corruption Act of 2008

¹⁶ Law on Ethics in the Performance of Public Functions, Law No. 25.188.

¹⁷ www.court.am.

49. Cyprus has reported the enactment of legislative instruments regarding asset declarations by the President, Ministers and Members of the Parliament, and by other public officials, respectively.

50. In the Czech Republic, the duty of public officials to present conflict of interest disclosure statements (disclosure of personal interests, activities, property and income, gifts and liabilities) is established by law.¹⁸ A central database planned to be established for record-keeping bodies under the Conflict of Interest Act to facilitate online public access to such data.

51. An Online Asset Declaration System was launched by Georgia in 2010, which requires public officials to fill in, and submit, their asset declarations electronically. So far, 47,000 asset declarations have been uploaded on the website¹⁹ of the country's Civil Service Bureau and are accessible to the general public.

52. Under the current legislation of Mauritius, it is mandatory for public officials in situations of conflicts of interest, to furnish a written declaration on the nature of the case. In addition, declarations of assets have become mandatory for members of the National Assembly as well as officers of several key institutions, such as the Revenue Authority or the Financial Intelligence Unit.

53. In Romania, the system of declaring and monitoring assets and conflicts of interests of public officials was strengthened through several legal acts. The 2001 Law on the local public administration provides a set of rules regarding conflicts of interests involving mayors, deputy mayors and local councillors. In 2003, new incompatibilities applicable to all elected public officials and to civil servants were introduced, and incompatibilities relating to members of Parliament were defined. Elected or appointed public officials have to submit asset declarations and declarations of interests, upon election or appointment to their respective position. Such declarations are to be updated annually, and upon termination of office. The declarations of interests have to provide information on functions or offices held in specified institutions, such as commercial companies, loan institutions, professional associations and political parties.

54. The requirement for public officials of the Russian Federation to provide information on their income, property and property-related commitments is laid down in the country's Federal Anti-corruption Act. Essential legal principles relating to conflicts of interest are also contained in several Presidential decrees, including on the verification of the accuracy and completeness of information provided, and the procedure for verifying that information.

55. In Switzerland, all federal employees are required by law to declare all their public offices and related activities. The purpose of that legislation is to ensure timely detection of potential conflicts of interest and changes in benefits and to be able to take appropriate measures. The former provisions had proved unsatisfactory as the judgement regarding the obligation to declare an activity, or not, had been left to the employee.

56. Under Uruguay's asset and income declaration system, approximately 12,000 civil servants are obliged to furnish asset declarations to the Transparency

¹⁸ Act No. 159/2006.

¹⁹ www/csb.gov.ge.

and Public Ethics Board (JUTEP) on taking office and every two years thereafter, containing detailed accounts of all incomes, revenues, movable and immovable property, and holdings in companies. In 2008, further categories of public officials were subjected to the asset declaration legislation requirement, including managers and officials responsible for public purchases and administration of public finances.

(v) *Disciplinary measures*

57. The Convention promotes appropriate and effective disciplinary or other measures against public officials who violate codes of conduct or standards. A number of countries reported having introduced such disciplinary measures.

58. Internal controls within the national police system of Armenia ensure heavy penalties for any violation of ethics or moral standards, improper conduct on the part of police officers and acts compromising the honour and prestige of the police forces. Internal anti-corruption measures are being implemented in all areas of police activity, particularly those involving large-scale interaction with the public and activities in which certain forms of corruption are likely to occur. The disciplinary regulations for the penal correction system of the Ministry of Justice, approved in 2006, are based on recognition of the personal responsibility of staff for the performance of their professional duties, in compliance with overall rules and the correct and timely execution of orders and instructions.

59. In 2000, the National Public Service of Japan (NPA) issued a guideline on appropriate disciplinary measures against public officials who violate the ethics standards.

60. In Romania, disciplinary measures and sanctions for infringement of the established norms of conduct for public officials are regulated in the Act on the Statute of Public Servants. Application of the norms prescribed by the codes of conduct for civil servants and contracted personnel are regularly monitored by a specific authority, the National Agency of Public Servants.

B. Related initiatives within the United Nations system and other organizations

61. At the international and regional levels, a number of organizations have developed codes of conduct applicable to the public officials of the organizations themselves, or model regulations for the development of specific national standards applicable to the public officials of their member States.

62. The European Union (EU) reported that the employees of the institutions of EU are subject to the Staff Regulations of Officials and the Conditions of Employment of Other Servants. The Staff Regulations lay down the fundamental rules applicable to officials and former officials concerning their rights and obligations. The Conditions of Employment of Other Servants of the European Communities apply to all staff of the institutions employed under provisions of the Conditions of Employment of Other Servants. In addition, there are specific codes and other guiding documents for each EU institution, such as, for the Commission: *Code of Conduct for Commissioners*; *Practical Guide to Staff Ethics and Conduct*; and *Code of good administrative behaviour for staff of the European Commission in*

their relations with the public; for the Council of EU: *Code of good administrative behaviour for staff of the General Secretariat of the Council of the EU applicable in their relations with the public*; and for the European Parliament: *Guide to the obligations of officials and other servants of the European Parliament (Code of conduct) of 2008*.

63. The Council of Europe's Group of States against Corruption (GRECO) has undertaken important initiatives to support its member States to prevent corruption, such as the Model Code of Conduct for Public Officials (2000)²⁰ or the Recommendations on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns (2004). In its Second Evaluation Round, GRECO examined the measures taken by States and formulated recommendations regarding prevention of corruption in public administration.

64. The Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) has developed a Model Law on the Standards of Conduct on the Proper Performance of Public Functions,²¹ which serves as a tool for its member States, within the framework of the Organization of American States (OAS), to develop appropriate codes of conduct of national public officials.

65. The OECD Principles for Managing Ethics in the Public Service provide a reference for countries in ensuring high standards of conduct for a cleaner public service. Among the first measures set forth by these principles is the adoption of a set of standards of conduct, to create a common understanding within the public service and with citizens on the values and standards to be followed. OECD helps countries develop, modernize and implement public sector codes of conduct within member and non-member countries through the identification of good practice and peer reviews. OECD also supports governments' efforts in developing effective approaches to managing conflicts of interest through the Guidelines on Managing Conflict of Interest in the Public Service. The Guidelines have been used by OECD and non-member countries, in particular in Asia-Pacific, Eastern Europe, and Latin America, to review existing solutions and modernise conflict-of-interest policies. OECD has developed a Toolkit to support policy makers and practitioners in implementing effective measures to identify and prevent conflicts of interest. To support evidence-based policymaking, OECD provides its member countries with comparative data on conflict-of-interest disclosure in all branches of government as part of Government at a Glance.²²

66. The Anti-Corruption Initiative of the Asian Development Bank (ADB)/OECD supports its Member states in their fight against corruption by encouraging them to provide regular updates on their anti-corruption efforts, including development of codes of conduct. The reports of the member States are available on Initiative's website.²³

67. The Istanbul Action Plan (IAP), as one of projects implanted by the OECD Anti-Corruption Network for Eastern Europe and Central Asia (ACN), supports and

²⁰ [www.coe.int/t/dghl/monitoring/greco/documents/Rec\(2000\)10_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/documents/Rec(2000)10_EN.pdf).

²¹ www.oas.org/juridico/english/ley_modelo_normas.pdf.

²² www.oecd.org/gov/indicators/govtaglance.

²³ www.oecd.org/pages/0,3417,en_34982156_35315367_1_1_1_1_1,00.html.

promotes the adoption of codes of conduct by member states to ensure integrity in civil service. IAP assesses, through reviews and monitoring of member countries, progress achieved by countries in adopting and applying such codes for public officials in general, as well as for public officials in selected sectors, and proposes country-specific recommendations for further reforms. Within the framework of ACN's peer learning programme, expert seminars on various issues are provided on issues relating to integrity in public administration.

68. The United Nations Public Administration Network (UNPAN), a programme managed by the United Nations Department of Economic and Social Affairs (UNDESA), provides an Internet-based information network on good practices and regulation models for the public service, to assist countries in capacity-building for better public administration. Its portal²⁴ hosts information on the International Code of Conduct for Public Officials and regional public service charters, such as the Charter for the Public Service in Africa, which contains a Code of Conduct of Public Service Employees in Africa, and the Ibero-American Charter for the Public Service. The portal will soon host national public administration codes of conduct and similar texts from countries all over the world as part of its newly established Public Administration Country Studies (PACS) knowledge base.

69. UNDESA promotes sound public administration, including through the United Nations Public Service Awards,²⁵ an annual global competition administered by UNDESA. The UN Public Service Awards is the most prestigious international recognition of excellence in public service. It rewards the creative achievements and contributions of public service institutions that lead to a more effective and responsive public administration in countries worldwide. Through an annual competition, the UN Public Service Awards promotes the role, professionalism and visibility of public service. UN Public Service Awards winners are recognized during at a high-level event on UN Public Service Day on 23 June of every year. For 2011,²⁶ a new category, entitled "Preventing and combating corruption in the public service", was added to the four existing categories of the Award, to include programmes and practices of Governments to foster integrity in public service delivery. Since the first Awards Ceremony in 2003, the United Nations has received an increasing number of submissions from all around the world.

70. The World Bank Group adopted a Code of Professional Ethics 1999²⁷ which sets out standards for professional conduct for its officials, and contains among others, provisions on conflicts of interest.

71. The World Bank seeks to foster transparency and accountability through its Public Accountability Mechanism Initiative (PAM), which focuses on five mechanisms: (i) income and asset disclosure, (ii) conflict of interest, (iii) freedom of information, (iv) immunity protections, and (v) ethics training. Data on legal frameworks and indicators to monitor the implementation of reforms are being collected and disseminated for nearly 90 countries. Information published

²⁴ www.unpan.org.

²⁵ Established by Economic and Social Council Resolution 2000/231.

²⁶ The first-place winners in 2011 were, for category 1- Preventing and Combating Corruption in the Public Service: Mexico, Oman, Republic of Korea, Slovakia and South Africa, and second-place winners for that category were Egypt, Republic of Korea and Romania.

²⁷ <http://siteresources.worldbank.org/INTETHICS/Resources/CodeinEnglish.pdf>.

online includes laws, contact information of technical experts for each country, descriptive statistics, and a selected bibliography.

72. To further promote institutional strengthening and policy discourse around transparency and accountability issues, the World Bank Group's Public Sector and Governance Group (PRMPS), in collaboration with the StAR Initiative has prepared *"Income and Asset Disclosure (IAD): A Guide for Policymakers and Practitioners"*. This Guide outlines key issues in designing and implementing IAD systems and is accompanied by 12 country case studies.

73. The United Nations Development Programme (UNDP) reported on its updated Policy on Fraud and other Corrupt Practices which reflects the principles underlying UNCAC.

74. UNDP, together with partners such as UNODC, has supported many countries in their efforts to prevent corruption. In Afghanistan, for example, a comprehensive programme of surveys on corruption and the integrity of civil servants was developed jointly by UNDP and UNODC, and in Iraq, UNODC and UNDP developed a programme of surveys aimed at providing a comprehensive assessment of the integrity and working conditions of civil servants, in close collaboration with national anti-corruption bodies and the national statistical agency.

75. UNODC continues to assist countries to assess the nature and extent of corruption. In May 2011, UNODC completed a programme of surveys on corruption in the western Balkans. In Nigeria, UNODC completed its largest anti-corruption project, which also assisted the Nigerian judiciary and other justice sector stakeholders in strengthening the integrity and capacity of the justice system at the federal level and in 10 Nigerian states. A new project assisting the Bayelsa state government in the Niger Delta region has recently been launched to strengthen integrity and accountability of its public finance management systems and its judiciary.

76. In accordance with ECOSOC resolution 2007/22, UNODC is developing a guide on strengthening judicial integrity and capacity. The guide is intended to serve as a resource for judges, legal practitioners, legislators and policymakers in the development and strengthening of national judicial systems and the effective administration of justice. UNODC is also finalizing a handbook on police accountability, oversight and integrity, for use by policymakers, strategic managers of police agencies and civil society organizations.

77. The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) places high priority on anti-corruption measures, including prevention and awareness-raising in the planning and delivery of its training programmes. UNAFEI's international training courses have dealt with preventive measures, such as codes of conduct, systems for reporting by public officials of acts of corruption, and systems for declaration of assets of public officials. Since 2007, UNAFEI has held an annual "Good Governance Seminar" that aims at promoting the rule of law and good governance in the Southeast Asian countries, on topics including prevention of corruption in public administration and public procurement; financial disclosure system for public officials; and protection of witnesses and whistle-blowers.

IV. Transparency and public reporting (article 10 UNCAC)

A. Good practices reported by Member States

78. Transparency enables citizens to check what the administration is doing on their behalf and enhances their trust in institutions. Article 10 of the Convention requires that appropriate measures be taken to ensure that citizens understand the workings of public administration, and have information on, and access to, the decisions of public officials.

79. Most Member States reported having systems in place to facilitate access to information concerning public administration. A number of Member States indicated having enacted legislation to guarantee the right of citizens to access information on public administration, and rules and procedures regulating access to public information. Official websites accessible to the general public and the use of e-government, e-procurement, e-administration systems and tools are widely-used means to simplify administrative procedures and to report on the threats of corruption and anti-corruption prevention measures undertaken.

(i) Measures to enhance transparency in public administration

80. Armenia has introduced a system for providing the general public with regular updates on the progress of reforms of taxation and customs procedures, such as the procedure for lodging complaints about the activities of the Customs Service and customs officials; an automated system for sending notifications to taxpayers; methods and procedures for identifying corruption during the investigation of tax-related offences; guidelines for the uniform application of internal tax administration procedures; procedures for the internal audit and risk assessment of tax authorities and regular publishing of the results of those audits; and procedures for lodging complaints about the activities of the Tax Service and the actions of officials. A hotline for members of the public and taxpayers is in operation and a feedback facility is available on the official website of the Tax Service.

81. China has established a system of publishing information related to public administration. Pertinent regulations stipulate that information related to the exercise of the executive power should be made public in a timely and accurate manner, to guarantee the right of the people to know, participate in, and supervise public administration.

82. In the Czech Republic, public access to information on the activities of public administration is regulated by law.²⁸ Currently, new legislation is being drafted to eliminate obstacles to free access to information that will enable the Government to ratify the Council of Europe's *Convention on Access to Official Documents*,²⁹ by the end of 2012.

83. In March 2011, El Salvador passed the "Law on Access to Public Information". Specific workshops are now conducted to promote knowledge about the new legislation, and a meeting was held with the entire Cabinet to ensure support from the highest level for the implementation of the law. In addition, an

²⁸ Act No. 106/1999.

²⁹ The Convention was opened for signature in June 2009.

institutional transparency network has been set up to ensure implementation of the law in all institutions of the Executive.

84. Latvia has recently adopted a new provision concerning public reporting, stipulating that information concerning communication of officials of public institutions with lobbyists has to be published on the website of the institution concerned.

85. The anti-corruption bureau (BIANCO) of Madagascar is targeting its efforts on promoting and monitoring the application of good practices in public administration to ensure participatory budgeting and social accountability with the decentralized local administrations, notably regarding the allocation of fees and dividends obtained from large mining companies to the country's Fund for Local Development.

86. In Nicaragua, access to information is guaranteed by law. Requests for information about any issue of public administration can be made in writing, in person or by e-mail to the office for access to public information at the respective authority. Within tight timelines, the authority must provide a response or indicate that it is not competent or not in a position to provide the requested information. Delayed, incomplete or denied responses are subject to appeal, and denying or impeding access to public information is sanctioned with imprisonment or suspension of the exercise of public functions. Moreover, information must be available in all the languages spoken in the country.

87. In Pakistan, the Freedom of Ordinance 2002 was issued by the President to enhance accountability of the public sector by facilitating access of the citizens of Pakistan to public records.

88. Panama reported on a number of activities related to enhancing transparency and accountability in public administration. Inter alia, the control system over State projects, entitled "COBE", was launched in 2006 to strengthen the oversight functions of the Comptroller General of the Republic. It is a web-based tool created as a single source registry, which facilitates oversight over contracting, public tenders and progress made in the physical implementation of projects.

89. The Romanian Act on Free Access to Information of Public Interest (2001) grants all persons access to information of public interest and obligates public authorities and institutions to release — ex officio or upon request — the requested information. In cases of denial of the information or failure of meeting established deadlines, appeals can be filed, first at the administrative level, then to the court. The court may rule in favour of the disclosure of the information and can also sentence the public authority. The Act on Transparency of Decision-making in the Public Administration (2003) provides the legal framework for minimal procedural rules applicable to ensure decisional transparency within central and local public administration authorities and institutions.

90. In the Russian Federation, the principles of public reporting and transparency of public administration are reflected in the Federal Act on access to information on the activities of State and local authority bodies of 2010. The Act establishes a uniform procedure for access to public information, defining the methods of obtaining access to information, and the rights and obligations of the users of the information. Special rules on transparency in the activities of the judicial

community are set out in separate legislation, on access to information on the activities of the courts in the Russian Federation.

91. Viet Nam has upgraded its national legislation to bring it into conformity with UNCAC, by adopting, inter alia, the law on anti-corruption; civil servants law; law on audit; law on banking and financial institutions; enterprise law; and bidding law. A Government decree on asset and income transparency was issued as well. The Government is supporting innovative ideas to minimize corruption and strengthen transparency in public administration.

(ii) *Access to decision-making authorities through simplified administrative procedures*

92. In many cases, procedures may become outdated, conflict with, or duplicate newer procedures, or become disproportionately expensive, thereby setting the conditions for public officials to manipulate the authority of their office in which fraud and corruption can flourish. States parties should therefore regularly review procedures with a view to avoiding duplication and to reducing the regulatory burden on citizens seeking information or services from the State.

93. In Egypt, measures were taken to simplify administrative procedures by, inter alia, providing court services through the one-stop-shop system in many courts, offering the court of cassation service via the Egyptian government portal,³⁰ providing interactive services for courts of first instance, and by automating about 100 courtrooms and several real estate registration offices. Furthermore, the process of acceptance to universities has been automated to guarantee equal opportunity for access to university for all in an honest and transparent way.

94. Georgia reported having undertaken measures aimed at simplifying administrative procedures to enhance transparency over public decision-making and administration. The new Tax Code, effective 1 January 2011, introduced a simplified tax regime for fiscal administration, notably through unified tax and customs codes, clarification of the taxpayer's rights, and improved communication between tax authorities and taxpayers. Administrative procedures to obtain construction licences, licences for natural resources and or import/export and transit products were simplified in 2010, and the processes for personnel recruitment in the public sector were streamlined.

95. In 2009, Nicaragua adopted a new law on simplified procedures and services in public administration. The law requires all sectors of public administration, with the exception of national defence and security, to establish internal policies to simplify administrative procedures and services with a view to ensuring that state institutions act in accordance with standards of economy, transparency, speed, efficiency, non-discrimination and client-orientation. Implementation of the law is monitored and guided by a specific inter-agency commission (CISTRAP), comprised of the Heads of the major State institutions.

96. The Anti-Red Tape Act (ARTA) of 2007 of the Philippines aims to promote transparency in public administration through simplified frontline service procedures and the formulation of service standards called Citizen Charter. Feedback on the compliance of national and local government institutions is gathered through a

³⁰ www.egypt.gov.eg.

survey system, which measures performance and client satisfaction in the delivery of public frontline services.

97. Romania reported having simplified the procedures of issuing permits, authorizations or licences, by removing administrative barriers and using information technology in the public services. A single office for receiving citizens' requests was established in every public institution. Under the current *Better Regulation Strategy at the Central Level of the Public Administration 2008-2013*, priority is given to the simplification of the relevant national legislation and administrative procedures, and the streamlining of activities of the regulatory and control agencies and authorities.

98. Viet Nam reported having implemented a project on administration reform with focus on administrative procedure simplification.

(iii) *Periodic reporting, including risks of corruption*

99. All public organizations should report periodically on the threats of corruption and anti-corruption prevention measures undertaken, and periodic reviews should be undertaken on the necessity for, or cost-effectiveness of, existing requirements and procedures. Such assessments should be published periodically, and monitored by, the body or bodies proposed in article 6 of the Convention.

100. The Anti-Corruption Commission of Jordan is promoting cooperation between different stakeholders, exchange of expertise with relevant anti-corruption institutions, and work on developing indicators for transparency, integrity, accountability and self-observance. Inter alia, the Commission is reviewing work procedures in public institutions with a view to facilitating and simplifying them, and issues periodic reports to inform the public on the risks of corruption in national institutions.

101. Latvia has an annual reporting system in place, under which all public administration institutions have to publish their annual budget and remuneration of employees. In 2010, KNAB carried out a comprehensive corruption risk assessment in law enforcement institutions and provided recommendations to prevent identified risks.

102. In the Russian Federation, State agencies and local government bodies are required by law to ensure regular reporting of information concerning their activities through the media or the Internet. For example, information on the activities of the Prosecutor-General's Office and subsidiary offices is posted daily on the website of the Office;³¹ information on the Office of the President of the Federation in dealing with applications by individuals and organizations is regularly posted on the website of the Office.³²

(iv) *Measures taken to publish information specifically related to public procurement*

103. A number of States has reported on relevant initiatives aiming at improving access to relevant information regarding public procurement, including through the use of electronic systems for public procurement ("e-procurement").

³¹ www.genproc.gov.ru.

³² www.kremlin.ru.

104. In the Czech Republic, all data related to tender and evaluation processes are posted on the Internet and electronic marketplaces and electronic auctions are used where appropriate. Under the Model Authority Project of the country's Ministry of Interior, all data and documentation relating to its public tenders are published, in compliance with the new public procurement system in place since February 2011.

105. In Egypt, an governmental e-procurement portal was set up³³ in 2010 in compliance with the Prime Minister's decision requesting all government institutions to publish bids and tenders electronically over the Internet. The Portal, which is the first of that kind in the Middle East, also establishes a mechanism for follow-up and control, thus allowing civil society to monitor.

106. El Salvador indicated that a Fiscal Transparency Portal, called COMPR@SAL,³⁴ was opened by the Ministry of Finance in October 2010, to facilitate access by the public to information on procedures, processes and actions in procurement and contracting by the institutions of public administration.

107. In 2010, Georgia undertook a substantial reform of its state procurement system, launching a unified electronic system of state procurement. This e-procurement is designed to ensure efficient and transparent use of public funds, provide easy access to all procurement-related information, simplify procurement procedures and facilitate a fair and unbiased evaluation process.

108. Under the national anti-corruption strategy, Mexico's Ministry for Public Administration has established a scheme, entitled "Social Witnesses", in which persons or companies outside the public sector actively observe and monitor the procedures for public procurement and participate by speaking out and giving testimony. The scheme is applied to public procurement in the federal public administration for amounts exceeding a defined threshold. Currently, 39 Social Witnesses are participating.³⁵ The Ministry for Public Administration has also set up COMPRANET,³⁶ an Internet-based system which fully automates the different stages of the public procurement process through a network of databanks connecting buyers and suppliers or contractors.

B. Related initiatives within the United Nations system and other organizations

109. At the international and regional levels, many organizations are undertaking efforts to help Governments in preventing corruption in the public sector by enhancing transparency and accountability, so that public organizations can be more open and responsive to the needs and aspirations of the communities they serve.

110. The EU indicated that it has adopted a number of measures to enhance transparency in the public administration, such as publication of reports on the risks of corruption in public administration, notably the Commissioners' declaration of interests; annual reports from the Commission to the European Parliament and the

³³ www.etenders.gov.eg.

³⁴ www.mh.gob.sv/moddiv/HTML/.

³⁵ www.funcionpublica.gob.mx/unaopsp/unaopl.htm.

³⁶ www.compranet.gob.mx/.

Council on protection of the EU financial interests; and annual reports of the Commission's Investigation and Disciplinary Office. The *European Transparency Initiative*³⁷ led to providing the public with information as regards the use of all public funds from the EU budget. To ensure transparency in public decision-making processes, clear *disclosure rules on lobbying* in EU institutions were introduced.

111. The Council of Europe's *Convention on Access to Official Documents*, which was opened for signature in 2009,³⁸ lays down a right of access to official documents, and sets forth the minimum standards to be applied in the processing of requests for access to official documents, review procedure and complementary measures.

112. With regard to access to information, OECD reported having undertaken in 2010 a data collection on the scope and implementation of access to information laws at the central government level across OECD. The findings of this exercise will be presented in the next edition of its publication, *Government at a Glance 2011*. The OECD also provides an online toolkit for practitioners on good practices to promote integrity and transparency in public procurement.³⁹

113. UNDP has provided technical assistance for e-governance and for promoting access to public information in many countries, particularly looking at the participation of poor and marginalized population.⁴⁰ With regard to good practices in preventing corruption in the management of public finances, the UN Procurement Capacity Development Centre aims to link a broad network of individuals and organizations, in both developed and developing countries, including governments, the private sector, civil society groups, educational institutions and other organizations.

114. The draft revised Model Law on Public Procurement of the United Nations Commission on International Trade Law (UNCITRAL), which is consistent with the requirements of article 9, paragraph 1, of UNCAC, is expected to be adopted by UNCITRAL at its forty-fourth session in June 2011. The Model Law will be accompanied by a Guide to Enactment, containing a commentary on policy and implementation issues.

V. Conclusions and recommendations

115. Many Governments have shared their experiences and good practices in promoting integrity and transparency in public administration and presented information on existing models of regulation, highlighting initiatives undertaken with regard to the implementation of the provisions of article 8 of the United Nations Convention against Corruption on codes of conduct for public officials, and article 10 of that Convention on public reporting. Many organizations, including within the United Nations system, have also undertaken relevant initiatives in this regard.

³⁷ http://ec.europa.eu/commission_barroso/kallas/work/eu_transparency/index_en.html.

³⁸ <http://conventions.coe.int/Treaty/EN/Treaties/html/205.htm>.

³⁹ www.oecd.org/governance/procurement/toolbox.

⁴⁰ UNDP. Gender Responsive E-governance: Exploring the Transformative Potential, 2008.

116. While not being exhaustive, the overview of practices in preventing corruption contained in the present report represents an attempt to assist the Working Group in its task to develop and accumulate knowledge in the area of prevention of corruption in public administration, and to facilitate the exchange of information and experience among States on preventive measures and practices with regard to enhancing integrity in the public sector.

117. For good practices to be identified and disseminated, it is indispensable to accumulate knowledge of a sufficiently large amount of practices. The Working Group may therefore wish to call on Member States to provide further information to the Secretariat on successful national efforts to implement the provisions of articles 8 and 10 of UNCAC.

118. In this connection, with a view to better enabling the Secretariat to build sufficient knowledge of existing preventive practices, the Working Group may wish to recommend that Member States provide, on a voluntary basis, such information through the comprehensive self-assessment checklist.

119. The Working Group may wish to consider how States parties could provide guidance to the international and regional organizations in which they participate, in the development and implementation of relevant initiatives for the prevention of corruption in public administration and enhancing integrity in the public sector.

120. For the Secretariat to build sufficient knowledge of existing preventive practices, the Working Group may wish to provide guidance to the Secretariat on how to gather relevant information in a more systematic manner with a view to become a repository of information on good practices. In particular, the Working Group may wish to guide the Secretariat on how to assist Member States in facilitating a qualitative assessment of the impact of preventive practices. Finally, the Working Group may also wish to guide the Secretariat to determine on how good practices can best be disseminated and replicated.