

UNCAC in a nutshell

A quick guide to the United Nations Convention against Corruption for embassy and donor agency staff

This guide provides an introduction for country-level embassy and donor agency staff on what the United Nations Convention against Corruption (UNCAC) can mean for their work.

The aim is to raise awareness of UNCAC contents and its potential utilisation. As UNCAC is a fairly new instrument, this guide also indicates areas in need of further exploration as work progresses.

Corruption undefined

Interestingly, UNCAC does not define corruption as such. It rather defines specific acts of corruption that should be considered in every jurisdiction covered by UNCAC. These include bribery and embezzlement, but also money laundering, concealment and obstruction of justice. Also, in defining who might be considered as possible participants in corruption, UNCAC uses a functional approach to the term 'public servant': it covers anyone who holds a legislative, administrative, or executive office, or provides a public service, including employees of private companies under government contract.



1. What is UNCAC?

The United Nations Convention against Corruption (UNCAC) is a landmark, international anti-corruption treaty adopted by the UN General Assembly in October 2003. It represents a remarkable achievement: a global response to a global problem. With 165 countries bound by UNCAC so far (as of 24 December 2012), it is unique not only in its worldwide coverage but also in the extent of its provisions, recognising the importance of both preventive and punitive measures. It also addresses the cross-border nature of corruption with provisions on international cooperation and on the return of the proceeds of corruption. States Parties (countries that have ratified the Convention) are also obliged to help each other to prevent and combat corruption through technical assistance (defined broadly to include financial and human resources, training, and research). The Convention further calls for the participation of citizens and civil society organizations in accountability processes and underlines the importance of citizens' access to information. The UN Office on Drugs and Crime (UNODC) in Vienna serves as secretariat for the UNCAC.

2. What are the contents of UNCAC?

What does implementation of UNCAC actually entail; what are its provisions? What follows is a description of the substantive chapters of the Convention, as well as an analysis of what UNCAC can and cannot do. It is important to note that many of UNCAC's provisions are mandatory, while others are either 'strongly encouraged' or optional (see annex for an overview of mandatory provisions). In addition, most provisions of the Convention make some reference to working within the principles of a State's domestic law, which allows significant room for different interpretations of the Convention's requirements in any given country. The key chapters of the Convention are described below, including how their implementation will be monitored.

Chapter II: Preventive measures

States Parties are obliged to adopt coordinated policies that prevent corruption and designate a 'body or bodies' to coordinate and oversee their implementation.¹ The preventive policies covered by the Convention include measures for both the public and private sectors. These include, among others, transparent procurement and sound financial management, a merit-based civil service including clear conflict of interest regimes, effective access to public information, auditing and other standards for private companies, an independent judiciary, active involvement of civil society in efforts to prevent and combat corruption, and measures to prevent money-laundering.

Check if the country you work in is party to the Convention

Countries that have signed and ratified UNCAC (lists updated 26 December 2012)

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic Republic of Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, European Union, Fiji, Finland, France, Gabon, Georgia, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Moldova, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Sao Tome and Principe, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Tajikistan, Tanzania, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

Countries that have signed, but not yet ratified UNCAC:

Barbados, Bhutan, Czech Republic, Germany, Guinea, Japan, New Zealand, Saudi Arabia, Sudan, and Syria

- If the country you work in is not amongst those listed, your embassy/ministry/donor agency should find out reasons for this and engage in dialogue with the partner government to support accession to UNCAC.
- If the country you work in has signed but not ratified the Convention, this usually means the legal basis for adoption has not yet been prepared. In this case, your embassy/ministry/donor agency should find out the reasons and engage in dialogue with the partner government about ratification of UNCAC, and support necessary legislative changes through legal advice and other assistance as needed.
- If the country you work in is among those having ratified the UNCAC, there are several steps that could be taken to support implementation of the Convention, as described in this guide.

Chapter III: Criminalization and law enforcement

States Parties must criminalise bribery (both the giving of an undue advantage to a national, international or foreign public official and the acceptance of an undue advantage by a national public official), as well as embezzlement of public funds. Other offences that States Parties are required to criminalise include obstruction of justice and the concealment, conversion or transfer of criminal proceeds. Sanctions extend to those who participate in or attempt to commit corruption offences.

Acts that states are encouraged – but not required – to criminalise include acceptance of bribes by foreign and international public officials, trading in influence, abuse of function, illicit enrichment, bribery and embezzlement within the private sector; money laundering and the concealment of illicit assets. Chapter III also covers other issues related to enforcement and prosecution, including protection of whistleblowers and witnesses in corruption cases, as well as remedies for corruption, such as freezing assets and compensating victims.

Chapter IV: International cooperation

States Parties are obliged to assist each other in cross-border criminal matters. This includes, for example, gathering and transferring evidence of corruption for use in court. The requirement of dual criminality (that the alleged crime for which mutual legal assistance is sought must be criminal in both the requesting and requested countries), which has traditionally hindered cooperation, is loosened. Cooperation in criminal matters is mandatory. In civil and administrative matters, it must be considered.

Chapter V: Asset recovery

A 'fundamental principle' of the Convention, and one of its main innovations, is the right to recovery of stolen public assets. According to many observers, Chapter V is the main "selling point" of the Convention, and the reason why so many developing countries have ratified. The UNCAC provisions lay a framework for countries to adapt both their civil and criminal law in order to facilitate tracing, freezing, forfeiting, and returning

funds obtained through corrupt activities. The requesting state will in most cases receive the recovered funds as long as it can prove ownership. In some cases the funds may be returned directly to individual victims.

Chapter VI: Technical assistance and information exchange

In the Convention, technical assistance refers generally to support aimed at helping countries comply with the UNCAC's provisions. Chapter VI includes provisions on training, material and human resources, research, and information sharing. The Convention encourages the provision of training on topics such as investigative methods, planning and developing strategic anti-corruption policies, preparing requests for mutual legal assistance, public financial management, and methods used to protect victims and witness in criminal cases. States Parties should also consider helping each other conduct evaluations and studies on the forms, causes and costs of corruption in specific contexts, with a view to developing better policies for combating the problem.

Presumption of innocence vs. burden of proof ...

Article 20 on illicit enrichment is controversial, because it imputes criminal behaviour to individuals whose assets cannot be explained in relation to their lawful income. This has raised criticism of human rights advocates, saying that such requirements reverse the presumption of innocence protected by many legal systems. Defenders of the provision argue that prosecutors still shoulder the burden of proof, as they must demonstrate, beyond reasonable doubt, the lack of legal avenues for the accumulation of excess wealth.

Review of implementation

The decision on a mechanism for review of implementation of the UNCAC was taken at the Third Conference of States Parties in Doha, Qatar, in November 2009. The States Parties decided to set up a multi-staged peer review mechanism involving the review of each State Party by two peers. The review process is supposed to take no more than six months for any given country at any given stage of the process. The mechanisms started operation in July 2010 when the Implementation Review Group that oversees the review mechanism met for the first time. To cover all countries, the process is divided in two five-year cycles. Countries to be reviewed in each year of the first five-year round of the review process have been selected.² UNCAC chapters III and IV will be reviewed in the first cycle (2010-2014), while compliance with chapters II and V will be assessed during the second (2015-2019). Thus, review on corruption prevention measures – a focus for many donor countries – will happen at a later stage.

Critically, the review process consists of a desk review based on the self-assessment report of the reviewed party but only intends country visits if requested by the reviewed country. External scrutiny by other actors (for

example civil society or academic experts) is not required, though each State Party is free to choose such additional measures. Only the executive summaries of the country review reports will be published, unless a reviewed country chooses otherwise.

UNCAC does not cover...

Despite the Convention's comprehensiveness, there are several weak areas. For example, the Convention fails to forcefully tackle political corruption, one of the major concerns of citizens around the world (see for instance Transparency International's Global Corruption Barometer). In fact, transparency in political financing is a mere recommendation. The Convention also refrains from referring to any specific political system and, by doing so, omits the important role parliaments can play in holding governments to account.

3. How can UNCAC be used by embassy and donor agency staff?

The Convention obliges States Parties to "enhance their cooperation at various levels with developing countries, with a view to strengthening the capacity of the latter to prevent and combat corruption". Although UNCAC lays down internationally agreed standards, it should not be confused with a blueprint for reform. Instead, leadership in each country must determine priorities and the appropriate sequencing of steps towards implementation.

The biggest challenge for donors may well consist of "mainstreaming" the Convention into political dialogue and technical assistance programmes with partner governments and other relevant stakeholders, to pursue reforms on the basis of country-owned plans and priorities, and to effectively coordinate around that.

How to use UNCAC for political dialogue on corruption and anti-corruption reform?

The UNCAC reinforces existing donor initiatives in the field of anti-corruption. The OECD DAC Principles on Anti-Corruption, for example, echo UNCAC's holistic approach, calling for attention to both the supply and demand sides of the problem. The UNCAC implicitly promotes the Paris Declaration on Aid Effectiveness by providing a commonly agreed framework for support, and by promoting accountability and transparency – two cross-cutting concepts of the Declaration.³ Furthermore, the preventive measures of the Convention reflect generally-accepted principles of the good governance agenda. Some issues for consideration:

- **High-level policy dialogue:** Commitments to prevent and combat corruption should be anchored in high-level policy dialogue between partner governments, donors and civil society. Compliance with UNCAC can provide a more neutral basis for dialogue, where donor interventions might earlier have been perceived as "moralizing" or external interference in internal affairs. Government reform priorities should

be used as a basis for constructive dialogue.

- **Indicators and benchmarks in aid agreements:** Ratification of UNCAC obliges States Parties to take concrete steps towards compliance. Hence, embassies and donor agencies can assist partner countries to define concrete indicators or benchmarks of progress and integrate them into high-level aid agreements in order to ensure regular monitoring. The different UNCAC requirements lend themselves for this purpose. However, in setting such benchmarks, government reform priorities need to be considered, and actual performance, not just the existence/introduction of anti-corruption legislation and measures, should be evaluated.
- **Inventory of existing programmes and their links with UNCAC:** Embassy and donor agency staff can consider, together with the partner country, mapping the links between existing aid-funded programmes and UNCAC implementation as a way of assessing the relevance of current initiatives.
- **Aid architecture:** Embassies and donor agencies, as part of donor coordination mechanisms at country level, should agree a division of labour among different dialogue fora that constitute the aid architecture in a partner country and “mainstream” compliance with UNCAC into the macro-level as well as sector dialogue. The participation of civil society in these fora should be promoted. It is important that those working at the level of policy dialogue and those working at sector level interact and have a common understanding of how compliance with UNCAC can be pursued.

How to use UNCAC as a framework for technical assistance?

Although it is very broad and does not provide a blueprint for reform, UNCAC can provide an organizing framework to deliver technical assistance to partner countries and may catalyse better coordination of analytic work and technical assistance among donors in a given country. When choosing to support UNCAC implementation, embassies and donor organisations can engage in a range of activities, whether short-term assessment initiatives to help prepare the ground for dialogue and assistance, or longer-term initiatives, which are necessary to meaningfully advance in reducing corruption.

Short-term assistance:

- **Status of UNCAC implementation in partner-country:** Embassies and/or donor organisations could engage in discussions with the partner government as to the status of UNCAC implementation, where gaps exist and where support is needed. This information will likely be available as States Parties are requested to conduct UNCAC self-assessments. Possible avenues for obtaining this information are proposed in the box below.
- **Support to UNCAC self-assessments:** Donors can assist their partners to complete the mandatory

UNCAC self-assessment checklist on compliance with the Convention. This exercise, as described by a recent U4 publication (U4 Issue 2009:13) is best addressed in a broad manner (including and coordinating relevant stakeholders and aligning it to other national assessments and a political reform dialogue) in order to add value. Donors may also encourage states to include civil society in the exercise and provide assistance for this purpose.

- **Gap analysis:** Alternatives or additions to the official checklist exercise could also be considered. Teams of public officials, together with national and international experts, could use a gap analysis approach to compare existing policies with UNCAC requirements in order to inform or refine country-led efforts and strategies to address corruption. These analyses have been used by countries to embark on a more inclusive process to identify reform needs.
- **UNCAC review mechanism:** The minimal requirements of the review mechanism are rather basic and it remains to be seen how much they will be able to capture de facto implementation and enforcement of anti-corruption policies. It is therefore important that embassies in countries that are up for review encourage their local counterparts to make the most of the review process by e.g:
 - identifying technical assistance needs
 - inviting civil society to participate
 - inviting reviewers to a country-visit
 - publishing the full country reports.

In order to find out whether your country is among those being reviewed, please consult the UNODC UNCAC website (<http://www.unodc.org/unodc/en/treaties/CAC/IRG.html>) or your home country’s mission at the UN in Vienna.

- **Civil society support:** External scrutiny is key for assessing the enforcement and impact of government reforms. Donor and embassy staff can use their assistance to help civil society participate in the above mentioned assessment mechanisms and increase their capacity to play a role in those processes. This applies to advocacy groups as much as to those working on specific issues (such as governance analyses, social audits, etc.), all of which need to be aware of the UNCAC requirements their government has signed up to. In case governments are unwilling to allow civil society participation in the assessments, civil society groups could contribute to the political debate by producing alternative reports on their country’s compliance with the UNCAC.

Longer-term institution/capacity building support:

- **Specialised legal assistance:** International and regional legal specialists can be useful to help partner governments bring domestic law and institutional arrangements into compliance with UNCAC requirements.
- **Advisors and mentors:** Funding for long-term

advisors and mentors provides hands-on technical support to government institutions involved in corruption prevention and control.

- **Pool of expertise:** In order to adequately address the comprehensive demands of UNCAC implementation and technical assistance, the various institutions within a donor country should consider pooling and coordinating their relevant expertise (e.g., legal departments, supreme audit institutions, financial crime units and the like).
- **Civil society:** Funding and the facilitation of technical support for civil society and the media is crucial not only to assist them to participate proactively in the design and implementation of anti-corruption reforms, but also to systematically monitor UNCAC implementation and the distribution of any recovered assets.
- **Information systems for UNCAC review:** Donors can support partner countries in making their participation in the review mechanism an effective monitoring exercise. Special emphasis needs to be given to the development of appropriate, effective and publicly accessible information systems that allow for “external” monitoring (e.g. by parliament, civil society, academia).
- **Analysis on corruption and related reforms in partner countries:** Although not always greeted with enthusiasm, continuous analysis of how the dynamics and forms of corruption evolve in a given country and how effectively reforms address the problem provides the foundation for sound policy making and reform evaluation.
- **Knowledge and learning:** Donors can support the establishment of fora for communication of lessons learned from experience, in and between countries. Given the existence of regional conventions and networks that preceded the UNCAC, there is already an existing mutual assistance practice that can potentially to some degree be transferred to the implementation of UNCAC. Donors should explore avenues for strengthening this practice of South-South Cooperation – partnerships between developing countries. Donors should also invest in evaluating lessons learned of reform efforts wherever suitable.

Issues to be explored further:

- **Mainstreaming:** Mainstreaming anti-corruption into governance and sector programmes is high on the agenda of many donor agencies. The extent to which UNCAC can be instrumental for this purpose needs to be explored. At the country level, this also applies to the UNCAC’s potential to serve partner governments as a tool to mainstream anti-corruption measures into national development plans and sector policies.
- **UNCAC as a framework for coordination:** States Parties to the UNCAC, as well as the OECD Development Assistance Committee have repeatedly promoted the need for donor coordination on the

basis of UNCAC. In resolution 2/4 to the UNCAC (<http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session2-resolutions.html>), partner countries are encouraged to engage focal points for technical assistance, and donor countries are asked to engage into multi-year, coordinated technical assistance frameworks for UNCAC. However, careful attention is needed to assure that coordination around UNCAC is done effectively in the context of other coordination mechanisms at country level. As donor coordination normally takes place based on national development plans or poverty reduction strategies, anti-corruption obligations under UNCAC may be best addressed by integrating them into such strategic documents rather than relegating them to a separate forum or plan.

How to use UNCAC to address international drivers of corruption?

Due to its broad coverage (including international anti-corruption measures such as mutual legal assistance) and international scope, the UNCAC is well suited to address the increasingly global nature of corruption and the cross-border money transfers that hide its proceeds. However, for this potential to be fully achieved, donor countries also need to act on the home front. Also, in order to engage in a credible dialogue on corruption with partner governments, embassies and donor agencies need to lead by example. What country level embassy and donor staff can do:

- **Ensure agency practices are in line with UNCAC:** Embassy and donor staff should ensure that their agency practices are consistent with Convention standards (e.g., address the management of facilitation payments, conflicts of interest, transparency about funding, etc.).
- **Address international drivers of corruption:** It is particularly important that donor countries address international drivers of corruption by prosecuting cross-border bribery cases, limiting bank secrecy, and providing technical expertise especially on the international aspects of mutual legal assistance, such as asset recovery claims. Embassy and donor agency staff can try to identify existing hurdles between their home country and their partner country in mutual legal assistance and asset recovery cases, and embassy staff can use their institutional channels to ease the often cumbersome communication process between countries. Embassies can explore whether home country institutions can support investigations at home (the UK’s work with the Nigerian Economic and Financial Crimes Commission is a point in case). Diplomatic measures against suspected persons (such as visa bans) can be refined and applied. Donor agencies can also advise on the management of repatriated assets.

Get to know what your partner government is doing to implement UNCAC ...

Embassies and donor agencies should ask partner governments to make available UNCAC-related information. This includes the full IRM country report for countries that have completed their review and, for those who have not, their responses to the UNCAC self-assessment, in particular their identification of technical assistance needs. This information can be a useful basis for dialogue. (The responsibility for coordinating the review process and preparing this information often lies with the Ministry of Justice, Ministry of Foreign Affairs, President's Office and/or an Anti-Corruption Agency.) Partner governments are not obliged to make this information available, but should have an interest in doing so if they expect support for their efforts.

Where partner governments have no identified UNCAC focal point, embassies can choose to address their own mission at the UN in Vienna to contact a partner country's mission there. This may be cumbersome, but as UNCAC responsibilities at country level often seem unclear or hidden, such channels can create useful pressure on States Parties to be more transparent with their information, especially if seeking assistance.

While a country's response to the self-assessment can serve as a first basis and trigger for dialogue, it may not be sufficient for setting priorities for anti-corruption assistance. As a recent U4 publication (U4 Issue 2009:13) points out, information gathered through self-assessments can have several potential flaws, including executive bias, insufficient coordination between institutions when information is gathered, reporting of de jure rather than de facto implementation, and insufficient reflection of national reform priorities. For instance, only few governments will include technical assistance needs of civil society and other non-executive actors (e.g. parliaments). As a result, assistance providers should consider whether anti-corruption efforts other than those identified in the UNCAC checklist may be appropriate. In any event, it is advisable to collect other available UNCAC-related assessments, such as the above mentioned UNCAC gap analysis or civil society reports.

4. Synthesis – what can UNCAC do and what not?

What UNCAC can do:

- UNCAC provides not only an international legal basis for cooperation, but also a political tool for dialogue between countries and between governments and their citizens
- UNCAC provides universally agreed concepts of corruption and ways to address it within one framework, thus offering an opportunity to overcome hitherto fragmented and often piecemeal efforts.
- UNCAC can foster international exchange of expertise, good practices and lessons learned, and it can be instrumental in coordinating international assistance.

What UNCAC cannot do:

- The UNCAC is not a blueprint for anti-corruption reform; it is a mere compilation of important measures, which, however, lacks any prioritisation or sequencing. Reform must be designed as to address country-specific forms, manifestations and dynamics of corruption and to fit into the country's institutional arrangements and procedures.
- The emphasis on 'technical assistance' in UNCAC may lead to the assumption that corruption problems can be solved by simply plugging a standard set of legal, procedural or capacity gaps. It is critical that donors avoid perpetuating this assumption by promoting one-size-fits-all approaches to compliance.
- Ratification of the UNCAC does not constitute political will in itself. Even the potential of the

Convention to create peer pressure is limited where commitment to address corruption is absent. The UNCAC may be used as a "fig leaf"--some states may ratify just to deflect criticism from donors or political opponents. Alternatively, governments may create an overambitious implementation agenda that quickly deflates after its first failures.

- The UNCAC is not an end in itself: UNCAC assessments and implementation efforts may be perceived as a stand-alone exercise, through which legal compliance with an international agreement is sought. For local reformers, as well as development actors, however, it is best employed additionally as political and technical tool, a means to achieve and support better governance by safeguarding resources aimed at poverty reduction, a valuable asset in the pursuit of development.

Endnotes

1. Contrary to a commonly-held interpretation, the Convention does not require a single anti-corruption strategy or a single anti-corruption commission.
2. To find out if and when country is being reviewed, please consult the UNODC UNCAC website (<http://www.unodc.org/unodc/en/treaties/CAC/IRG.html>) or your home country's mission at the UN in Vienna.
3. This interlinkage has been acknowledged in resolutions of the Conferences of States Parties to the UNCAC, as well as in the Accra Agenda for Action, follow-up agreement to the Paris Declaration.

Further reading

Useful links

- U4 Anti-Corruption Resource Centre's UNCAC theme page: www.u4.no/themes/uncac/main.cfm
- Transparency International's UNCAC web page: www.transparency.org/global_priorities/international_conventions/projects_conventions/uncac
- United Nations Office on Drugs and Crime UNCAC web page: www.unodc.org/unodc/en/treaties/CAC/index.html
- UNCAC Civil Society Coalition: www.uncaccoalition.org/
- The Asset Recovery Knowledge Centre: www.assetrecovery.org/
- The UNODC/World Bank Stolen Asset Recovery (StAR) Initiative: <http://go.worldbank.org/1G0IH8RSK0>

Resources

- U4 Issue (2009:13), Maximising the potential of UNCAC implementation: Making use of the self-assessment checklist
<http://www.u4.no/document/publication.cfm?3484=maximising-the-potential-of-uncac-implementation>
- U4 Issue (2009:3), How prepared are we to assess real implementation of anti corruption conventions? Lessons from the Americas
<http://www.u4.no/document/publication.cfm?3331=how-prepared-are-we-to-assess-real-implementation>
- U4 Background paper (2007:1), How can Technical Assistance support the Implementation of UNCAC?
<http://www.u4.no/document/publication.cfm?3561=how-can-technical-assistance-support-the>
- U4 Brief (2008:1), Anti-corruption Policy Making in Practice: Implications for Implementing UNCAC
<http://www.u4.no/document/publication.cfm?2915=anti-corruption-policy-making-in-practice>
- U4 Brief (2009:25), Exploring the links between UNCAC and the Paris Declaration
<http://www.u4.no/document/publication.cfm?3489=exploring-the-links-between-uncac-and-the-paris>
- *See also Annex on next page: Checklist of Key Actions Required of States Parties to UNCAC*

Annex

Checklist of Key Actions Required of States Parties to UNCAC

M=Mandatory

SE = Shall Endeavour

(Provisions that States “shall consider” are optional and not included in this summary)

Preventative Measures

- Ensure the existence of a **body or bodies to prevent corruption** (through knowledge dissemination, and overseeing/coordinating preventative policies) (Article 6, M)
- Establish a **merit system** for its civil service (Article 7, SE)
- Promulgate a **code of conduct** for all public officials and endeavour to require officials to disclose outside activities, employment, investments, assets, gifts that may reflect a conflict of interest, etc. (Article 8, SE)
- Require public officials to make **assets declarations** (Article 8, SE)
- Create a **public procurement** system based on transparency, competition, and objective selection criteria with legal recourse for violations (Article 9, M)
- **Enhance transparency** in public administration by such measures as publishing information and simplifying procedures for attaining access to such information (Article 10, M)
- Prevent corruption among members of the **judiciary** through measures such as rules of conduct (Article 11, M)
- Take measures to **enhance accounting and auditing standards in the private sector** (Article 11, M)
- Promote **participation of civil society** in fight against corruption through, for example, ensuring effective **access to information** (Article 13, M)
- Institute a comprehensive regulatory scheme to **prevent money laundering** and consider creating financial intelligence unit to receive, analyze, and disseminate reports of suspicious transactions (Article 14, M)

Criminalization and Law Enforcement

- Outlaw the offering or soliciting of a **bribe** by a **national public official** (Article 15, M)
- Outlaw the promise, offering or giving of a **bribe** to a **foreign public official** (Article 16, M)
- Outlaw **embezzlement** (Article 17, M)
- Outlaw **money laundering** (when proceeds of a crime are transferred intentionally for the purpose of concealing or disguising their illicit origin) (Article 23, M)
- Ensure the **obstruction** of corruption investigations, and **attempts** to commit corrupt acts are criminal

offenses (Articles 25 and 27, M)

- Provide a **long statute of limitations** for bribery and other corrupt acts and provide for its suspension when an offender has evaded prosecution (Article 29, M)
- Make sure the penalties for corrupt acts reflect the gravity of the offense, that **immunities** for public officials are not overbroad, and that if there is discretion to prosecute it is exercised with due regard for the need to deter corruption (Article 30, M)
- Take measures to ensure **protection for whistleblowers** (Article 32, M)
- Establish procedures to **freeze, seize, and confiscate the proceeds** of corrupt acts and permit those injured by corrupt acts to initiate an **action for damages** (Articles 31 and 35, M)
- Remove any obstacles posed by **bank secrecy laws** to investigating corruption (Article 40, M)

International Cooperation

- Cooperate with other governments on anticorruption investigations, prosecutions and judicial proceedings in relation to Convention offences (Article 46, M)
- Enhance the effectiveness of **communication between law enforcement bodies** to facilitate secure and rapid exchange of information. (Article 48, M)

Asset Recovery

- Require financial institutions to conduct **enhanced scrutiny of accounts** maintained by or on behalf of prominent public officials (Article 52, M)
- Ensure that the proceeds of corrupt acts committed in other states can be **confiscated and returned** (Articles 55 and 57, M)

Technical Assistance

- Implement **training programmes** for personnel responsible for preventing and combating corruption (Article 60, S)
- Make concrete efforts to enhance financial, material and technical assistance to **support developing countries' efforts** to implement the Convention. (Article 62, M)