

Annex I

Guidance Note for the provision of information by States parties for the ninth intersessional meeting of the Working Group on Prevention from 6 to 7 September 2018

1. The Secretariat has produced this Guidance Note to assist States parties in providing information as to initiatives and practices they have implemented regarding the topics under consideration at the ninth intersessional meeting of the Working Group on Prevention taking place from 6 to 7 of September 2018.
2. The Secretariat wishes to recall paragraph 12 of the report of the Working Group on Prevention on its second intersessional meeting, in which the Group recommended that States parties should be invited to share their experiences of implementing the provisions of the Convention under consideration in advance of each meeting, preferably by using the self-assessment checklist.
3. In furtherance of this, the Secretariat outlines below a selection of issues based on the questions from the self-assessment checklist that States parties may wish to use as a guide when providing information regarding the two topics under consideration. States parties are encouraged to view the information below only as guidance and remain free to provide any information believed to be relevant to the topics under consideration.

I - Information requested from States parties in relation to preventing and managing conflicts of interest (art. 7, para. 4)

1. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with these provisions of the Convention, and in particular to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

Information sought may include:

- Description of specific conflict of interest standard(s), indicating if these standards:
 - Are publicized widely;
 - Regulate the outside activities of public officials;
 - Prohibit the holding by public officials of certain types of assets or positions in legal entities that are incompatible with their primary functions, such as an individual sitting on the board of a company;
 - Limit the official actions a public official may take because of a conflict of interest;
 - Apply criminal, administrative or other sanctions where public officials do not comply with applicable conflicts of interest regulations;

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- Description of training or advisory services to public officials regarding relevant conflicts of interest regulations;
- Description of public access to information on government processes in which there is a higher risk of conflict of interest between the interests and activities of a public official and the particular type of government process;
- Description of the specific duties and responsibilities of the specialized staff or bodies given responsibility to strengthen transparency and prevent conflicts of interest in government;
- Description of the institutional structure and procedures to oversee the compliance with conflict of interest legislation and apply respective sanctions.
- Description of the measures aimed at preventing conflicts of interest concerning former public officials in private entities, such as:
 - Restrictions, for a reasonable period of time, on the professional activities of former public officials;
 - Restrictions, for a reasonable period of time, on the employment of former public officials by the private sector after resignation or retirement;

2. Please outline the actions required to ensure or improve the implementation of the measures described above and any specific challenges you might be facing in this respect.

Examples of the types of challenges States parties may face include:

- Challenges in developing the proper legislative or regulatory framework for managing or preventing conflicts of interest;
- Challenges in administering conflict of interest systems;
- Challenges in relation to specific recruitment, selection or training requirements for categories of positions considered especially vulnerable to corruption, including possible early identification of potential conflicts of interest;
- Challenges in providing ethical guidance or advice to public officials; and
- Challenges in communication, and in particular in raising awareness and disseminating information about new standards of conflict of interest or in developing training manuals, courses, curricula or other related material, including online initiatives, used in training programmes for public officials.

3. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

- **Legislative assistance:** Please describe the type of assistance
- **Institution-building:** Please describe the type of assistance
- **Policymaking:** Please describe the type of assistance
- **Capacity-building:** Please describe the type of assistance
- **Research/data-gathering and analysis:** Please describe the type of assistance

- **Facilitation of international cooperation with other countries:** Please describe the type of assistance
- **Others:** Please specify

States parties are also encouraged to provide a description of any such assistance already being provided, including donor information.

II - Information requested from States parties in relation to asset and interest disclosure (art. 8, para. 5)

1. Please describe (cite and summarize) the measures your country has taken, if any, (or is planning to take, together with the related envisaged time frame) to ensure full compliance with article 8 (5) of the Convention, and in particular to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

Information sought may include:

- Description of the objectives of the declaration system applicable to public officials (prevention of conflict of interest, illicit enrichment, or both [dual system]).
- Where such a declaration system is in place, you may wish to provide information on the following:
 - Types (categories) of public officials required to make declarations and approximate total number of persons submitting declarations;
 - Information that must be declared (assets, outside activities and employments, positions in companies, other associations, gifts and other benefits, liabilities, etc.);
 - Frequency of declarations required;
 - How declarations are submitted (in paper format, electronically, in person) and the entities to which they are submitted;
 - Availability of tools and advisory services that officials can use in order to comply with their disclosure-related obligations (guidelines for filling out forms, resources for learning about conflict of interest issues, resources for receiving tailored advice on specific conflict of interest situations, etc.);
 - Whether information is declared on assets of public officials' family members or members of public officials' households and under which circumstances such information is provided;
 - What mechanisms are in place for ensuring compliance with the obligation to disclose;
 - Whether there is public access to any of this information;
- Any mechanism in place to carry out the verification/monitoring of the content of declarations; including information on the verification mechanism, such as:

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- How many disclosures are verified (all, a certain percentage, etc.);
- What triggers verification (complaints, routine verification/ex-officio, notifications from other institutions, random selection, etc.);
- What processes are involved in the verification/review process (checks for internal consistency, cross-checks with external databases, comparisons across years, identification of potential conflicts of interest, etc.);
- What information can be accessed during the verification/review process (from public officials or public and private sector entities);
- What happens once irregularities are identified (potential conflicts of interest, unjustified variations of wealth, inaccurate information, etc.);
- Whether and to what extent the content of disclosures (in summary form or all information disclosed) or names of persons submitting declarations are made available to the public and other public sector entities and, moreover, how the information is made available (upon individual request, on-line, etc.);
- Number of trained staff dedicated to collection, compliance, providing advisory services to officials, making disclosures publicly available, verification, sending referrals to other entities; what types of sanctions are available in the declaration system (for non-submission, actual conflict of interest, false statement, illicit enrichment, etc.).

2. Please outline the actions required to ensure or improve the implementation of the measures described above and any specific challenges you might be facing in this respect.

Examples of the types of challenges States parties may face include:

- Challenges related to developing and adoption of the legal framework of the assets and interest disclosure system;
- Challenges related to the functioning of the asset and interest disclosure system and in particular:
 - Challenges related to submission of the declarations;
 - Challenges related to verification of the declarations;
 - Challenges related to the follow up and to imposing sanctions;
 - Challenges related to the transparency of the regime; and
- Challenges related to resources limitations, lack of capacity, etc.

3. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

- **Legislative assistance:** Please describe the type of assistance
- **Institution-building:** Please describe the type of assistance
- **Policymaking:** Please describe the type of assistance
- **Capacity-building:** Please describe the type of assistance
- **Research/data-gathering and analysis:** Please describe the type of assistance
- **Facilitation of international cooperation with other countries:** Please describe the type of assistance

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- **Others:** Please specify

States parties are also encouraged to provide a description of any such assistance already being provided, including donor information.

UNCAC Article	Information
<p>7(4)</p> <p>Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.</p>	<p>Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention, and in particular, to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.</p> <p>Singapore makes use of administrative measures, as set out under the Singapore Government Instruction Manual, to counter the risks posed by conflicts of interest in the public sector:</p> <ul style="list-style-type: none"> - All public officers are required to declare any conflicts of interest, whether real or perceived, between their official duties and private interests. - All public officers are required to make annual declarations of interests in investments and properties, including those of their spouse and financially-dependent children, via the common online Human Resources Management System (HRMS) platform. All public officers may not receive any gifts offered to them on account of their official position or work; where declining a gift is deemed inappropriate, the officer may accept the gift but has to declare its receipt immediately. This can be done via an ad-hoc declaration process which is administered by individual government agencies. - In addition, public officers in certain designated posts will not be allowed, for a specified period of time, to take up employment with any person with whom, or any organisation with which he had direct and significant dealings with. - Public officers who are found to be negligent in this process may be subject to civil service disciplinary proceedings¹.

¹ In accordance with Article 116 of the Constitution of the Republic of Singapore, Civil Service disciplinary procedures are set out in the following pieces of legislation with respect to the violation of codes of conduct:

- The Public Service (Disciplinary Proceedings) Regulations;
- The Public Service Commission (Delegation of Disciplinary Functions) Directions; and

Additionally, Singapore pays particular attention to the area of conflicts of interest in government procurement:

- All public officers are currently required to declare conflicts of interest in any stage of the procurement process to ensure the integrity of the government procurement system, with another officer appointed to replace him if it is assessed to be necessary. There are also clear segregation of duties in the procurement process to avoid conflicts of interests.
- In the event where only a single bid is received for a contract, officers are required to provide additional justifications to the approving authority of the agency.
- Officers who are found to be negligent in this process will be subjected to civil service disciplinary proceedings, and where corruption or fraud is suspected, the officer will face criminal proceedings.

The administrative measures above are complemented by relevant training modules on values and conduct through milestone programmes offered by the Civil Service College, such as the mandatory induction programme for new officers. These sessions take the form of talks, seminars, and workshops involving the Code of Conduct and Public Service values of Integrity, Service and Excellence.

- One of the key principles stressed in the Public Service Code of Conduct is that all public officers must ensure that there is no COI between official duties and personal interests. The Public Service Code of Conduct is also available to public officers on the via the Singapore Government Intranet.

The Corrupt Practices Investigation Bureau (CPIB) conducts public education group (PEG) talks for government agencies and private companies, whereby participants can expect to learn about

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- The Public Service Commission (Prisons Officers) (Disciplinary Proceedings – Delegation of Functions) Directions.

	<p>the definition of corruption, Singapore’s success in keeping corruption under control, preventive measures and case studies.</p>
<p>8(5)</p> <p>Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their</p>	<p>Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with article 8(5), and in particular to establish measures and systems requiring public officials to make declarations to appropriate authorities, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.</p> <p>As set out under the Singapore Government Instruction Manual:</p> <ul style="list-style-type: none"> - Public officers are required to seek approval before they can engage in outside activities that are related to their official duties and in outside employment. They are to ensure that there should be no conflict of interest between their official duties and their participation in these outside activities. - Public officers are required to make annual declarations of interests in investments and properties to the head of their agency, including investments and properties owned by their spouse and financially-dependent children. - Public officers may not receive any gifts offered to them on account of their official position or work; where declining a gift is deemed inappropriate, the officer may accept the gift but has to declare its receipt immediately. Public officers are also not allowed to accept an invitation or entertainment from members of the public which will place them under any real or apparent obligation to these members of the public.

functions as public officials.	
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