

# Preventing Corruption: UNCAC Toolkit for Parliamentarians

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This document was developed by the Secretariat for the Global Organization of Parliamentarians Against Corruption (GOPAC) and UNDP. It is expected to evolve with use and learning. Comments are welcome at any time and may be directed to:

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## Preventing Corruption: UNCAC Toolkit for Parliamentarians

### Introduction

#### Context

- In compliance with relevant resolutions of the Conference of the States Parties to the United Nations Convention against Corruption (resolutions 1/2; 2/1 and 3/1), the United Nations Office on Drugs and Crime (UNODC) has developed a comprehensive computer-based tool designed to enable States parties and signatories to the Convention to keep track of their implementation efforts, identify implementation gaps and subsequent needs for technical assistance. Following extensive consultations with States parties and signatories as well as with international experts, this self-assessment checklist was endorsed by the Conference at its third session, held in Doha, Qatar, in November 2009.
- States will use this checklist to assess their implementation efforts – in contrast to the many assessment tools that are based on external information or are donor-driven. This point is not to be undervalued: experience shows that if assessment results are not locally owned and embedded in ongoing national development processes, they will likely be shelved and will not feed into policy-making processes.
- In its resolution 3/1, the Conference of the States Parties strongly encourages States to prepare their responses to the self-assessment checklist through broad consultations at the national level with all relevant stakeholders. This opens the possibility for parliamentarians to actively seek a strong role in the self-assessment exercise.
- This is also an important point, as all governance institutions play a role in fighting corruption and their different roles contribute to a comprehensive picture of the anti-corruption situation.
- Furthermore, the self-assessment exercise may provide a new opportunity for initiating inter-institutional dialogue and cooperation between the three States' powers (legislative, executive and judicial) on anti-corruption reforms.
- This toolkit for parliamentarians was developed to (1) to facilitate a more active parliamentary involvement in the implementation, oversight and monitoring of UNCAC; (2) highlight the important role of parliamentarians in preventing corruption and track parliamentary performance as well as emerging

trends and developments; (3) identify gaps where parliamentary strengthening may be needed; and, (4) bolster inter-institutional dialogue on anti-corruption reforms.

- There are tools for assessing specific corruption topics<sup>1</sup>, and tools for assessing parliamentary performance, e.g. the [IPU Self-Assessment Toolkit for Parliamentarians](#)<sup>2</sup>. *However, there is no tool at the intersect of parliamentary performance and corruption.* This toolkit is an attempt to fill this important gap in the existing pool of governance and anti-corruption self-assessment methodologies.

## Objectives

It is extremely important to note that this toolkit is **not** intended to gather information on what parliamentarians think about the government's performance. Neither is it intended to rank parliaments. It is to help parliaments identify their strengths and weaknesses in preventing corruption, in order to determine priorities for strengthening the parliamentary institution. The assessment findings will be nationally generated and owned, and as such could be one important tool for change. The purpose of this self-assessment tool is to pose specific question on past and present initiatives as well as future opportunities on the **prevention of corruption and the role of parliamentarians** in order to:

- help parliamentarians<sup>3</sup> identify areas in which to strengthen their performance with regard to the prevention of corruption;
- encourage parliamentarians to play an active role in the design, implementation and monitoring of national anti-corruption strategies, laws or action plans;
- begin a gradual process to develop generic and voluntary international benchmarks or standards for parliamentary engagement in and support for the UNCAC with related indicators and criteria;
- help identify areas where new coalitions of parliamentarians, government officials, international agencies, and civil society organizations can lead to positive actions in the prevention of corruption;
- be used as a generic assessment framework (to be customized to country context) by countries supported by UNDP's Global Programme on Country-Led Democratic Governance Assessments<sup>4</sup> which have a particular interest in assessing parliamentary performance and/or the effectiveness of anti-corruption efforts, and by countries supported by the UNDP's Global Programme on Anti-Corruption for Development Effectiveness (PACDE), the UNDP's Global Programme on Parliamentary Strengthening (GPPS) and UNODC; and

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<sup>1</sup> For example - "Maximizing the potential of UNCAC implementation: Making use of the self-assessment checklist", by Sarah Repucci, U4 Issue 2009:13. Web link is <http://www.cmi.no/publications/publication/?3484=maximising-the-potential-of-uncac-implementation>

<sup>2</sup> This tool may be used by parliaments to help identify their strengths and weaknesses against international criteria, in order to determine priorities for strengthening the parliamentary institution.

<sup>3</sup> 'Parliamentarians' is used in the broadest sense, i.e. it refers to any of the following: individual, current, and ex elected officials, GOPAC regional or national chapters or the institution of parliament depending on what is possible on a regional or country basis.

<sup>4</sup> Managed by the UNDP Oslo Governance Centre, the Global Programme on Country-Led Democratic Governance Assessments (see [www.gaportal.org](http://www.gaportal.org)) seeks to support countries that want to conduct their own governance assessments. For UNDP, the value of a country-led governance assessment is that it serves as a critical accountability and transparency mechanism for governance performance. The Global Programme has produced a series of 'Users' Guides' which provide measurement guidance on the multiplicity of tools and methods that are being used to measure various thematic areas of governance, including corruption.

- provide a starting point for GOPAC regional and country chapters to monitor the extent to which their parliamentarians are engaged in the implementation and review of UNCAC (using the 'GOPAC Policy Checklist for Parliamentarians'  
[http://www.gopacnetwork.org/globalconference/Doha/UNCAC\\_CHECKLIST\\_Apr%2023.pdf](http://www.gopacnetwork.org/globalconference/Doha/UNCAC_CHECKLIST_Apr%2023.pdf)

The questions are linked mainly to the second chapter of the United Nations Convention against Corruption (UNCAC), entitled Preventive measures. At the time of writing this tool, UNCAC, the most comprehensive global anti-corruption legal instrument to date, has 143 parties (142 States and the European Union) and 140 signatories (February 2010). While chapter 2 provides the underlying framework for this tool, it is hoped that this Toolkit will contribute to the domestication of UNCAC so that national efforts can be more closely aligned with local circumstances and needs. In that regard, self assessments could include information also on other international (e.g. OECD Convention Against Bribery) and regional instruments (e.g. Inter-American Convention Against Corruption); or specific initiatives identified in national anti-corruption strategies.

### Early considerations on processes

- 1) **How to use the tool:** There are different ways in which this tool and resulting information could be used – e.g. one aim could be to facilitate the parliament's active contribution to the formal UNCAC reporting exercise, by generating data on its own performance in preventing corruption. The information generated by this self-assessment tool could also be used as an input to a new national anti-corruption strategy. It could also help identify areas for technical assistance to strengthen parliamentary capacity in preventing corruption, or serve as a basis for regional or national workshops as suggested in item 3 below.
- 2) **How to initiate the process:** While an assessment initiated by the president or speaker of the parliament is likely to carry the greatest political weight, a parliamentary committee on anti-corruption, or an ad hoc parliamentary group established specifically for conducting this assessment (such as a national GOPAC or APNAC chapter)<sup>5</sup>, could also initiate the process.
- 3) **Who should participate:** The primary principle is that the self-assessment should be non partisan, involving parliamentarians from both opposition and ruling parties. Inviting other actors to take part in the assessment, such as civil society groups, government officials, academics and other national experts, and local representatives of international organizations, is likely to provide valuable perspectives that may enrich the process. In some cases, the use of external facilitators such as UNDP at the country level or GOPAC at the regional level may be considered.
- 4) **Sources of data:** It would be useful to list 'likely' existing data sources which could be used for each question, e.g. information from parliament's secretariat, the national anti-corruption commission or other national and/or international assessments. Guidance could also be provided on how to use complementary data (e.g. input vs. output; *de jure* vs. *de facto*; etc.) in order to obtain a more comprehensive picture of parliamentary efforts in preventing corruption (i.e. examining both the measures taken and the effectiveness / outcomes of such efforts).
- 5) **Criteria:** The aim is to adapt this toolkit to a web based format where additional information<sup>6</sup> and assessment guidance will be provided for each question, such as a list of suggested 'assessment criteria'. Such criteria will enable a more objective, evidence-based assessment by pointing to specific aspects of a question which should be considered before responding 'yes' or 'no'. Where more research

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<sup>5</sup> GOPAC: Global Organizations of Parliamentarians Against Corruption; APNAC: African Parliamentarians Network Against Corruption

<sup>6</sup> For example, links could be provided to other documents or sources of advice.

is required in order to address a particular question, parliamentary staff or other experts may be engaged to help identify gaps or needs for technical assistance to strengthen parliamentary capacity.

Two examples of how some suggested 'assessment criteria' might help answer a question on the basis of objective parameters are provided below:

**Question 4.1:**

***Is the budgetary process conducted in a transparent manner in the debating stage (i.e. before final approval), with active involvement by parliamentarians?***

It is here important to define what we mean by 'transparent'. Clearly, what is deemed a 'transparent process' for one person may be seen as a lack of disclosure for another.

Some assessment criteria which may be considered to assess the extent to which a budgetary process is considered 'transparent' could include:

- Budget debates are public
- Nearly all budget negotiations are conducted in these official meetings.
- Records of these proceedings are easily accessible
- Authors of individual budget items can easily be identified

**Question 7.1:**

***Does the executive seek input from the Parliament when the executive shifts funds between administrative units (except when the amounts are below a certain minimal level specified in law or regulation)?***

A 'yes' to this question might hide very different levels of legislative control over the executive. It would therefore be important to specify *when* and *what type of 'input'* (e.g. seeking approval vs. giving prior notification) is sought from parliament, when answering this question.

Some assessment criteria which may be considered in this case could include:

- Type of 'input' sought from parliament: The executive *seeks approval* from parliament or *gives prior notification* to the parliament before shifting funds, giving the parliament an opportunity to block or modify the proposed adjustment.
- Timing of 'input' sought from parliament: The executive seeks approval from parliament *before* or only *after* the shift of funds has been implemented.

## Preventing Corruption: UNCAC Toolkit for Parliamentarians

GOPAC Policy Checklist Elements	UNCAC articles	Questions/Indicators of parliamentary engagement in UNCAC implementation and review
<p><b>1. National priority</b>  <i>How and to what extent are parliamentarians, business, civil society and government collectively engaged in domesticating and implementing UNCAC – as well as related anti-corruption conventions? What further steps to building political coalitions, if any, would help?</i></p>	5	<p><b>1.1 On parliamentary engagement in anti-corruption planning</b>            1.1.1 Are parliamentarians in your country aware of UNCAC?</p>
		1.1.2 Has there been any briefing or training of parliamentarians and staff on UNCAC?
		1.1.3 Were parliamentarians given opportunities to review and make recommendations on the official anti-corruption strategy(ies) prior to its(their) release?
		1.1.4 If the government conducted a gap/compliance analysis to assess national legislation against UNCAC provisions, were parliamentarians engaged in this process?
		1.1.5 If the government conducted a gap/compliance analysis to assess national legislation against UNCAC provisions, were parliamentarians made aware of the results of this analysis?
		1.1.6 If parliamentarians were made aware of the results of this analysis, have they responded to the recommendations made in the report by setting the legislative agenda accordingly?
	5(3), 10	<p><b>1.2 On the monitoring system for the national anti-corruption strategy</b>            1.2.1 Does the national anti-corruption strategy have a monitoring framework (with specific targets, and measurable indicators)?</p>
		1.2.2 Is information describing the monitoring framework and its results for the national anti-corruption strategy publicly available?
		<p><b>1.3 On parliamentary engagement in anti-corruption monitoring</b>            1.3.1 Have parliamentarians been involved in the national review of the implementation of the anti-corruption strategy(ies), laws and/or regulations?</p>
		1.3.2 Is there a parliamentary committee that has been assigned responsibility for the review and monitoring of UNCAC implementation?
		1.3.3 Is this committee active (e.g. has this committee held hearings or meetings, has it sought advice and facts from third party sources, etc.)?
	63(4c and d)	<p>1.3.4 Have parliamentarians had the opportunity to review and contribute to national reports submitted by Government to regional / international corruption monitoring mechanisms, e.g.,</p> <ul style="list-style-type: none"> <li>✓ African Union Convention on Preventing and Combating Corruption</li> <li>✓ Inter-American Convention Against Corruption (OAS) and MESISIC</li> <li>✓ APRM on governance to the NEPAD Secretariat (Africa)</li> <li>✓ Protocol on the Fight against Corruption (Economic Community of West African States – ECOWAS)</li> <li>✓ Protocol against Corruption (Southern African Development Community – SADC)</li> <li>✓ the progress reports by EU candidate countries</li> </ul>
	63	1.3.5 Do parliamentarians have the opportunity to review and contribute to the State's response to the UNCAC self-assessment checklist?

GOPAC Policy Checklist Elements	UNCAC articles	Questions/Indicators of parliamentary engagement in UNCAC implementation and review
		1.3.6 Do parliamentarians have the opportunity to contribute to the UNCAC Review Mechanism?
	63, 5(1) and (3)	1.3.7 Is the Parliament specifically mentioned in e.g. national strategies and progress reports as an institution having a role to play to ensure follow-up on the recommendations of anti-corruption performance reports?
	6; 36	<b>1.4 Anti-Corruption Bodies</b> 1.4.1 Are there provisions for Parliament to have an oversight role over the main anti-corruption body or bodies, such as a national anti-corruption commission, or an ombudsman, or a supreme audit institution, or a police anti-corruption unit, or a special prosecutor?
		1.4.2 In practice, is parliament able to exert oversight over these anti-corruption bodies?
		1.4.3 Does parliament play an active role in the budget process to ensure that anti-corruption body/ies have sufficient resources to discharge their mandates?
		1.4.4 Have parliamentarians been involved in anti-corruption public awareness activities, in cooperation with anti-corruption body/ies?
<b>2. Public reporting</b> <i>Does the government report on corruption and the steps being taken to improve integrity in governance? Are these reports tabled in Parliament?</i>	10, 63	<b>2.1 On reporting to Parliament on anti-corruption</b> 2.1.1 Are there systematic procedures allowing parliamentarians (and particularly, specialist anti-corruption committees) to question the executive on corruption-related issues and reports?
		2.1.2 In practice, are Parliamentarians able to utilize these procedures and question the executive on corruption-related issues and reports?
	Also 5(3)	2.1.3 Does parliament have access to reports from the government on progress in fighting corruption?
<b>3. International support</b> <i>To what extent are international organizations helping parliamentarians play a more effective role in corruption prevention? If needed, how could they be more helpful?</i>	60	<b>3.1 On relevance and effectiveness of international support</b> 3.1.1 What type of assistance has been/is being provided to help parliamentarians play a more effective role in corruption prevention? ✓ in terms of capacity building for parliamentarians and staff, including parliamentary strengthening ✓ in terms of specific technical assistance in relation to elements of UNCAC ✓ in terms of a coordinated donor approach
		3.1.2 How useful are these programmes? What has been their impact so far?
<b>Financial oversight</b> <b>4. Budget</b> <i>To what extent does parliament receive timely information on both plans and actual results for all revenues (taxes, royalties, fees, development assistance funds) and all expenditures (by ministry and program)?</i>	9(2)	<b>4.1 On the transparency of the budget process</b> 4.1.1 Is the budgetary process conducted in a transparent manner in the debating stage (i.e. before final approval), with active involvement by parliamentarians? (N.B. Although there are variations in budgetary approval processes in different systems, a 'transparent process' here means that budget debates are public and records of these proceedings are publicly accessible. Authors of individual budget items can easily be identified. Nearly all budget negotiations are conducted in these official meetings.)
		<b>4.2 On parliamentary powers to authorize all revenues and expenditures</b> 4.2.1 Do parliamentarians have the power to authorize all revenues

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<i>To what extent is parliament's approval of expenditure plans required?</i>		(tax rates, royalties, fee structures)?	
		4.2.2 In practice, is parliamentary approval sought to authorize all revenues?	
		4.2.3 Is 'significant public expenditure' (defined as any project costing more than 1% of the total national budget) subject to parliamentary review and approval based on transparent procedures either set out in the constitution or established by parliament (procedural rules or legislation)?	
		4.2.4 Is parliamentary approval required also for defence and other 'sensitive' programmes, and for executives' personal budgets?	
		4.2.5 In practice, is parliamentary approval sought for these expenditures?	
		4.2.6 If the executive proposes that parliament provide continuing authority for certain programmes (entitlements or ongoing statutory programs), does parliament, prior to agreeing, conduct a review of these provisions to ensure it has the power and resources to oversee such expenditure in a manner equivalent to its oversight of annually approved expenditures (e.g. periodic evaluation to be tabled in Parliament)?	
		4.2.7 Do executive decrees on public finances require subsequent parliamentary review and approval?	
		4.2.8 In practice, is parliamentary approval sought for executive decrees?	
		<b>4.3 On parliamentary budget and that of parliamentary support agencies</b> 4.3.1 Does parliament have the authority to formulate and endorse its own budget and that of parliamentary support agencies?	
		4.3.2 Are there resources specifically dedicated for the opposition in the parliamentary budget?	
		4.3.3 Does the parliamentary budget include the provision of professional parliamentary staff to support committees'/commissions' duties?	
		<b>4.4 On reporting standards</b> 4.4.1 Are there standards for reporting to parliament (and for guaranteeing parliamentary access to) on actual revenues, expenditures and results?	
		4.4.2 In practice, is there a well-functioning system of performance reporting to parliament to show what has been achieved with the funds expended by departments?	
			<b>4.5 On parliamentary budget oversight committee (e.g. Public Accounts Committee)</b> 4.5.1 Is there a budget oversight or a Public Accounts committee?
			4.5.2 Is it chaired by the opposition?
		4.5.3 What is the proportion of members of the ruling party/ies to members of opposition party/ies serving on the committee?	

GOPAC Policy Checklist Elements	UNCAC articles	Questions/Indicators of parliamentary engagement in UNCAC implementation and review
		4.5.4 Does the composition of the committee impact on its ability to perform its oversight function? (i.e. are committee members from the opposition able to influence the committee's work to roughly the same extent as any other member of the committee?) Are committee members from the opposition party able to influence the committee's work to roughly the same extent as any other member of the committee? In other words, do opposition party members have a chance to raise issues, put them on the agenda and move motions for debate?
		4.5.5 Does it meet regularly?
		4.5.6 When necessary, does the Committee initiate independent investigations into financial irregularities?
		4.5.7 Are parliamentarians able to obtain non-financial (i.e. performance) information related to expenditures?
		4.5.8 Are its recommendations reviewed by Government and implemented where appropriate?
		<b>4.6 On parliamentary powers to call witnesses</b> 4.6.1 Do parliamentarians have the authority to call witnesses, including ministers and officials, and to require their attendance and response to hearings related to the oversight of public finances?
		4.6.2 In practice, do parliamentary committees hold public hearings on the budgets and results of government departments in which testimony from the executive branch and others (e.g. stakeholders affected by departmental programs) is heard?
<b>5. Resource revenue transparency</b> <i>To what extent is there transparency and accountability in the publicly owned extractive industries sector?</i>	<b>9(2)</b>	<b>5.1 On parliamentary engagement in resource revenues and transparency</b> 5.1.1 Is there one (or several) parliamentary committee(s) responsible for monitoring resource revenues generated from extractive industries (e.g. Committee on Energy, or Committee on Forest and Environment, or Committee on Mining, etc.)?
		5.1.2 Are committee members from the opposition party able to influence the committee's work to roughly the same extent as any other member of the committee? In other words, do opposition party members have a chance to raise issues, put them on the agenda and move motions for debate?
		5.1.3 Does it meet regularly?
		5.1.4 Are its recommendations reviewed by Government and implemented where appropriate?
		5.1.5 Are parliamentarians engaged in the decisions to extract natural resources?
	<b>9(1), 10</b>	5.1.6 Is the process of awarding exploration, development and production licenses to private companies publicly disclosed?
		5.1.7 Can Parliament review all contracts before they are issued? Or is parliamentary review of contracts for natural resource extraction only mandatory for contracts above a certain financial threshold specified in law or regulation?



GOPAC Policy Checklist Elements	UNCAC articles	Questions/Indicators of parliamentary engagement in UNCAC implementation and review
		<p>5.1.8 Are there governance and accountability structures in place to prevent corruption in the natural resources sector, including adequate legislation and regulations?</p> <p>5.1.9 Is Parliament engaged in the allocation and use of revenues from extractive industries?</p>
<p><b>6. Parliamentary engagement and capacity</b>  <i>To what extent do parliamentarians have the means (e.g., committee review and staff support) to develop a good understanding of government financial practices and do they use these means? What further tools and practices, if any, would help?</i></p>	9(2)	<p><b>6.1 On parliamentary capacity for financial analysis</b>          6.1.1 Does the Parliament have sufficient human capacity to monitor government financial practices, including trained parliamentary staff?</p>
		<p>6.1.2 Is the parliamentary infrastructure and its technical equipment adequate for parliamentarians to be able to perform their oversight function effectively? (e.g. do they have offices and access to computers?)</p>
		<p>6.1.3 Has an independent Parliamentary Budget Office been established which strengthens technical capacity within Parliament to interpret budget and economic data and which provides parliamentarians with objective, timely and independent analysis?</p>
	13	<p><b>6.2 On parliamentary engagement with experts and civil society</b>          6.2.1 Does the Parliament engage civil society, media and experts (including international agencies and other non-governmental institutions) in committee hearings and consultations on the prevention of corruption?</p>
<p><b>7. Financial control framework</b>  <i>To what extent has parliament set out adequate legislation and standards for controlling public expenditures, and for the use of all financial instruments (e.g. procurement, grants or subsidies) and are these respected in practice? What, if any, further steps are needed?</i></p>	9(2)	<p><b>7.1 On legislative control over the executive:</b>          7.1.1 Is there legislation or other instruments to guide the Executive Branch in utilizing all financial instruments, including procurement, contract, grants and loans?</p>
		<p>7.1.2 Does the executive seek input from the Parliament when the executive shifts funds between administrative units (except when the amounts are below a certain minimal level specified in law or regulation)?</p>
		<p>7.1.3 Does the Parliament approve the expenditure of contingency funds or other funds for which no specific purpose was identified in the budget at least in the next budget, if not before the end of the fiscal year?</p>
<p><b>8. Accountability</b>  <i>Has parliament established effective practices to receive professionally audited financial accounts and to question government officials regarding financial plans and actual expenditures? If not, what tools and practices would help?</i></p>	9(2)	<p><b>8.1 On relationship to independent audit institution</b>          8.1.1 Does the independent audit institution report to Parliament promptly and openly on its findings?</p>
		<p>8.1.2 Does the Parliament appoint the head or the executive of the independent audit institution?</p>
		<p><b>8.2 On parliamentary use of audits</b>          8.2.1 Is there at least one parliamentary committee responsible for reviewing and scrutinizing all significant audit reports?</p>
		<p>8.2.2 Does this Committee have the necessary resources (staff, funding) to review and scrutinize all significant audit reports thoroughly?</p>
		<p>8.2.3 Does this Committee produce a report following its review of the audit reports, and is this report tabled in Parliament?</p>

GOPAC Policy Checklist Elements	UNCAC articles	Questions/Indicators of parliamentary engagement in UNCAC implementation and review
		8.2.4 Are audit reports of the annual accounts of the security sector (military, police, intelligence services) and other 'sensitive' programs provided to the Parliament (or relevant committee)?
		<b>8.3 On parliamentary capacity to follow-up on audits</b> 8.3.1 Does the executive make available to the Parliament a report on what steps it has taken to address audit recommendations or findings that indicate a need for remedial action?
	7	<b>8.4 On establishing public service standards</b> 8.4.1 Has Parliament established through legislation standards for the public service, including appointment, compensation, and accountability measures? Examples include: <ul style="list-style-type: none"> <li>✓ regulations to prevent nepotism, cronyism, and patronage within the civil service</li> <li>✓ redress mechanism for the civil service</li> <li>✓ legislation to prevent civil servants convicted of corruption from future government employment?</li> <li>✓ ethics and conflict of interest guidelines for civil servants</li> </ul>
<b>Parliamentary ethics, conduct and immunity</b> <b>9. Credibility of parliament</b> <i>To what extent are parliamentarians carrying out their democratic roles (representation, legislation, and oversight), and doing so in a manner that meets societal expectations of ethical behavior? If needed, what further steps are indicated?</i>  <i>To what extent does parliamentary behavior reflect international standards or good practices? Would greater alignment be useful and is it feasible?</i>	8, 52(5 and 6)	<b>9.1 On ethics and conduct mechanism</b> 9.1.1 Is there a formal ethics and conduct mechanism in place for parliamentarians? How long has it been in place? If not, is there any plan in the near future to develop such a mechanism?
		9.1.2 Were the parliamentarians actively involved in the development of the ethics and conduct mechanism?
		9.1.3 Are there specific rules in the ethics and conduct mechanism, for example on <ul style="list-style-type: none"> <li>✓ gifts and hospitality</li> <li>✓ sponsored travel</li> <li>✓ outside employment/income while in office</li> <li>✓ dealing with the assets where there is a potential conflict of interest between the private interests derived from the assets in question held by a parliamentarian and the public interest, e.g. divesting them, or place them into a blind trust</li> <li>✓ outstanding loans</li> <li>✓ outside activities</li> <li>✓ employment after leaving office (parliament)</li> </ul> (Note - specific questions below on conflict of interest are in 9.2)
		9.1.4 Are there provisions for parliamentarians to be able to get impartial and authoritative advice on the rules of the ethics and conduct mechanism?
		9.1.5 Has there been any evaluation done on the effectiveness of the ethics and conduct mechanism (or of the self-regulatory role of the Ethics Committee) since its inception?
		9.1.6 Are there provisions for parliamentarians to disclose assets and liabilities, including those of family members on an annual basis to a specific entity or body that is responsible for these records?

<sup>7</sup> Insert reference to new GOPAC handbook on ethics and conduct for parliamentarians post Doha launch

GOPAC Policy Checklist Elements	UNCAC articles	Questions/Indicators of parliamentary engagement in UNCAC implementation and review
		9.1.7 In practice are these provisions for reporting on assets and liabilities used?
		9.1.8 Are the disclosures of assets and liabilities, gifts and sponsored travel from parliamentarians subject to audit?
		<b>9.2 On Conflict of interest</b>
		9.2.1 Is there a clear definition of ‘conflict of interest’?
		9.2.2 Is a conflict of interest self-declared (may or may not follow consultation or ruling by the independent office(r)?
		9.2.3 Is the declaration followed by recusal from debate or voting on issues related to the conflict of interest?
		9.2.4 Is it recorded somewhere (e.g. the public registry) so that the public is aware of it?
		<b>9.3 On Complaints against parliamentarians and investigations</b>
		9.3.1 Who can initiate a complaint against a member of parliament, e.g.: <ul style="list-style-type: none"> <li>✓ Other members only</li> <li>✓ Members of the public</li> <li>✓ Can the independent officer responsible for enforcement (if there is one) self-initiate an investigation</li> <li>✓ Who does the investigation? Who receives the final report</li> <li>✓ What sanctions are possible? Who imposes sanction?</li> </ul>
		<b>9.4 On Training and education:</b>
	9.4.1 What training or education opportunities on the provisions of the ethics and conduct mechanism are in place for parliamentarians, e.g. part of the orientation program for new MPs?	
	<b>9.5 On Regulatory/Enforcement mechanism(s)</b>	
	9.5.1 What provisions are in place to ensure that the rules of ethics and conduct mechanism are followed and is there a dedicated entity to do this, e.g. <ul style="list-style-type: none"> <li>✓ External body</li> <li>✓ Internal body, e.g. a Committee of parliamentarians</li> <li>✓ An independent officer of parliament (perhaps with a Committee providing oversight)</li> <li>✓ Some or all of the above</li> </ul>	
<b>10. Appropriate parliamentary immunity</b> <i>To what extent do parliamentary immunity practices allow parliamentarians to play their roles fully, without encouraging corruption by parliamentarians? What, if any, further steps are indicated?</i>	30(2)	<b>10.1 On legal framework for parliamentary immunity</b> 10.1.1 What system of parliamentary immunity is in place: non-accountability or inviolability? (e.g. ‘non-accountability or non-liability’ whereby parliamentarians cannot be prosecuted for any opinions expressed or votes casted in parliamentary business; or ‘inviolability’ whereby elected representatives cannot be prosecuted for any criminal activity during the term of their parliamentary mandate unless they are caught in that act, and only with the approval of parliament).
		10.1.2 Are there clear, balanced, transparent and enforceable procedures in place for waiving parliamentary immunities in cases of criminal acts or ethical violations committed by parliamentarians while

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		they are in office?
		10.1.3 Are there rules in place that stipulate that parliamentary immunity does not apply to actions taken by individual parliamentarians before they have assumed office or actions taken after they have left public office?
		10.1.4 In the last five years, how many cases has there been where parliamentarians used their immunity to avoid being prosecuted for alleged corruption or other criminal activities?
		10.1.5 Of the cases in the last five years where parliamentarians used their immunity to avoid being prosecuted for alleged corruption or other criminal activities, how many of these cases resume after the parliamentarians' term of office has ended?
		10.1.6 What is the role of parliament as an institution in such cases involving parliamentarians, e.g. through the Speaker of the legislative assembly?
		10.1.7 What is the media's and the public's perception of parliamentarians exercising their immunity when alleged corruption is involved? Is there a public outreach/education program on the provisions on parliamentary immunity and its legitimate purpose?
<b>Participation of society</b> <b>11. Citizen engagement</b> <i>Does Parliament engage experts, civil society and citizens in the domestication of the UNCAC provisions? Can and do the media assist in this engagement? What, if any, further steps are indicated?</i>	13	<b>11.1 On direct engagement with the public and constituencies</b> <b>11.1.1 Are parliamentarians engaging the public in understanding the global standards (UNCAC), the domesticated version, and actual practices; and if less than desirable are they proposing or engaging in discussions of corrective actions, using all reasonable channels (e.g. political parties, media, CSOs) in direct communication?</b>
		11.1.2 Do parliamentarians have functioning and accessible regional or local offices to meet with constituents?
		11.1.3 Is there funding allocated for travel to constituencies or to open regional or local offices or to conduct regular consultations within a constituency?
		11.1.4 Is the procedure for citizens and civil society groups to make submissions to a parliamentary committee or commission of enquiry user-friendly?
		11.1.5 Do parliamentarians inform their constituents about the budget and other matters?
		11.1.6 Do citizens have opportunities for direct involvement in the legislation-making process (e.g. through citizens' initiatives, referenda, etc.)
<b>12. Public transparency</b> <i>To what extent do citizens have adequate access to information on the government operations and adequate means to seek redress from corrupt</i>	10, 13	<b>12.1 On public access to legislative processes and documents</b> <b>12.1.1 Do citizens have access to government spending/operations/results? Are there means for redress.</b>
		12.1.2 Is there legislation in place for freedom of access to information?
		12.1.3 Is the legislation comprehensive? Are there no important loopholes which still need to be addressed?

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<i>acts?</i>		12.1.4 Does parliament play an active role in the budget process to ensure that sufficient funds are allocated to the effective implementation of any access to information legislation or policy, including citizen redress, training for public officials, public awareness raising and support to the relevant access to information oversight body?
<b>13. Money laundering and recovery of assets</b>  <i>To what extent are parliamentarians working in harmony with government and expert international organizations to legislate, oversee and build public support to prevent money laundering and improve the potential for recovery of stolen assets?</i>	<b>14, 58</b>	<b>13.1 On legislative provisions and practices</b> 13.1.1. Is there legislation in place for prevention and detection of money laundering, including requirements of effective customer identification, record-keeping and reporting suspicious transactions by financial institutions? Is the legislation comprehensive?
		13.1.2 Has a financial intelligence unit (FIU) been established to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering?
		13.1.3 Does the national financial intelligence unit (FIU) report to Parliament and respond to recommendations?
		13.1.4 Is Parliament engaged in the reallocation of recovered public funds?