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## Annex I

### Guidance Note

**Guidance note for States parties and signatories on sharing information and experiences on:**

- **the participation of society in the prevention of and fight against corruption;**
- **the negative effects of corruption on women and youth; and,**
- **the role played by women and youth in preventing and combating corruption.**

In its resolution 10/1, entitled “Atlanta 2023: promoting integrity, accountability and transparency in the fight against corruption”, the Conference reiterated that:

*“the active participation of society is integral to complementing States’ efforts in the prevention of and the fight against corruption and promoting transparency, integrity and accountability”*,

and urged States parties to:

*“put in place and effectively implement policies and practices, within their means and in accordance with the fundamental principles of their domestic laws, that allow individuals and groups outside the public sector, such as civil society, non-governmental and community-based organizations, the private sector, academia and media, to be able to contribute in this regard also thereby promoting accountability, including through the full and effective implementation of article 13 of the Convention”*.

The resolution also emphasized the importance of engaging young people in the prevention of and fight against corruption.

Corruption affects all members of society – women and men, boys and girls - in different ways. It often results in the exclusion of vulnerable groups from decision-making processes and access to basic public services, reproducing negative stereotypes and limiting economic power and educational opportunities.

In its resolution 10/3, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, the Conference requested the Working Group to consider including, as a topic for discussion at its fifteenth meeting *“the negative effects of corruption on women and youth and the role played by women and youth in preventing and combating corruption”*.

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The secretariat has prepared the attached questionnaire as guidance on information sought on the above topics. Should sufficient information be received, a report will be prepared in view of facilitating the discussion at the fifteenth Working Group on Prevention to be held from 28 August to 6 September 2024. Unless otherwise indicated in the submissions, the input will be published online and may be used for the development of knowledge products. The information sought includes descriptions of good practices and challenges faced in adopting and/or implementing these measures. The submission of supporting documentation, if any, is encouraged, including but not limited to legislation, regulations, reports, policy documents and evaluations.

**Participation of society in preventing and fighting corruption, inclusive decision-making processes; role of non-governmental stakeholders, journalists and media**

1. Has your country promoted the participation of society, including non-governmental stakeholders, journalists and the media, in anti-corruption activities, programmes and initiatives, including in relation to anti-corruption strategies? If yes, please specify how.

**A.:** Yes. The active participation of individuals and groups outside the public sector is targeted by the National Anti-Corruption Strategy for 2020-2024. In this regard, civil society, through public consultation, was asked to contribute to the elaboration of this National Anti-Corruption Strategy, namely through professional councils, Transparency & Integrity Association and the Economic & Fraud Management Observatory.

Also, Decree-Law n. 109-E/2021 set out the National Anticorruption Mechanism (MENAC) and approved the General Regime for the Prevention of Corruption (RGPC), which requires both public and private entities to implement, namely, corruption prevention programs and establish internal control systems. Other entities, such as NGOs, operate in Portugal in this field, having made part, along, for example, along with the media, of panels of meetings with evaluators of the Group of States Against Corruption (GRECO) of the Council of Europe, and of the Working Group on Bribery of the Organisation for Economic Co-operation and Development, in the framework of evaluations of Portugal under those anti-corruption review mechanisms.

The National Anti-Corruption Strategy for 2020-2024 is clear also as regards its approach, envisaging the involvement of state institutions, citizens, companies and civil society in preventing corruption through knowledge, training and information, articulated with a timely and effective repressive dynamic.

An example of involvement of civil society on such efforts is a widespread program by a civil society organization that targets schools and focuses on educating children from 7th to 12th grade on these

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matters.

On the other hand, as regards media, as we can read in the chapter on the rule of law situation in Portugal of the European Union 2023 Rule of Law Report, namely (for further details, please consult the report, available in [2023 Rule of Law Report - Communication and country chapters - European Commission \(europa.eu\)](#)), the fundamental principles underpinning media freedom and pluralism are anchored in the Portuguese Constitution and a comprehensive legal framework exists to protect journalists in the exercise of their profession; the establishment of an independent regulatory body is also mandated in the Constitution; a solid legal framework is in place regarding the transparency of ownership across all media markets; access to information and documents held by public authorities is safeguarded through legislation. It is also important to note the creation of a Think Tank to develop strategies to prevent and combat fraud with European funds, stimulated by the Prosecutor General's Office and with stakeholders from various sectors of society: <https://www.ministeriopublico.pt/pagina/think-tank-riscos-de-fraude-recursos-financeiros-uniao-europeia>.

2. Has your country identified any barriers to the participation of society in the prevention of and fight against corruption? If yes, have any programmes been designed and implemented to address such barriers?

**A.:** Besides what we already stated in the previous answer, we can indicate that there are several available reporting channels in Portugal and the reports of (all) crimes or suspicions of crimes can be presented to the Public Prosecution Services (PPS) and/or police authorities in person or, namely, through electronic channels (websites or e-mail).

The Central Department for Investigation and Penal Action (DCIAP) has an electronic reporting channel in its website (please check [here](#)), exclusively dedicated to reports of corruption, fraud and related offences. And the DCIAP also has a unit devoted to hearing whistleblowers who wish to make anonymous statements in person.

On the other hand, the Criminal Police (PJ) also has an online reporting channel dedicated to anonymous reports – please check [Denúncia Anónima – Polícia Judiciária \(policiajudiciaria.pt\)](#).

Additionally, following what has already been referred, the general regime for the prevention of corruption (RGPC) requires that public and private entities with more than 50 employees adopt internal reporting channels in accordance with Law 93/2021. In the framework of the National Anti-Corruption Strategy for 2020-2024, several legal acts were approved in Portugal, by the Parliament and by the Government and in this case we would like to underline the approval of [Law 93/2021, of December 20](#), of [Decree-Law 109-E/2021, of December 9](#) and of [Decree 155-B/2023, of June 6](#).

Law 93/2021, of December 20, establishes the general regime for the protection of whistleblowers, transposing Directive (EU) 2019/1937 of the European Parliament and of the Council, of 23 October

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2019, on the protection of persons who report violations of the Union law (Directive (EU) 2019/1937). Decree-Law 109-E/2021, of December 9, as already mentioned, establishes MENAC and the RGPC. And Decree 155-B/2023, of June 6, determines the definite installation of the MENAC.

In line with Directive (EU) 2019/1937, the Portuguese Law 93/2021, of December 20, foresees the following rules:

- i) Scope of application (article 2), which stipulates what may be an infraction under this Law;
- ii) Articulation with other regimes (article 3);
- iii) Object and content of the denunciation or public disclosure (article 4);
- iv) Legal concept whistleblower, which is “A natural person who denounces or publicly discloses an infringement based on information obtained in the context of his professional activity, regardless of the nature of this activity and the sector in which it is carried out” and includes a) Workers in the private, social or public sector; b) Service providers, contractors, subcontractors and suppliers, as well as any persons acting under their supervision and direction; c) Holders of shareholdings and persons belonging to administrative or management bodies or to tax or supervisory bodies of legal persons, including non-executive members; d) Volunteers and trainees, paid or unpaid (article 5);
- v) Protection conditions of a whistleblower (article 6);
- vi) Means of denunciation and public disclosure (articles 7 to 20); Within these rules, it is relevant to underline the difference between internal and external channels of denunciation, public disclosure and the obligation of confidentiality of the identity of the whistleblower;
- vii) Protection measures of the whistleblower (articles 21 to 28);
- viii) Competence for processing and application of fines, which, as a rule, belongs to the MENAC (article 29);
- ix) Subsidiary regime applicable in case of mere administrative offences, which is the Decree-Law 433/82, of October 27 (article 30).

Regarding the MENAC, Article 2(3) of Decree-Law 109-E/2021, of December 9, sets out the mission and duties of MENAC, from which it is relevant to highlight, namely:

- i. Subparagraph a) “Develop, in liaison with the members of Government responsible for the areas of the Public Administration, of higher education and education, the adoption of programmes and initiatives aimed at creating a culture of integrity and transparency, covering all areas of public management and all levels of education”; and
- ii. Subparagraph h) “Produce and disseminate information on corruption and related offences on a regular basis and develop campaigns to prevent it”.

Considering the Portuguese legal framework presented we would like to point out the following:

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- i) MENAC is a national authority which must ensure that the public has effective access to information and undertake public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula, according to article 13(1)(b) and (c) of the UNCAC;
- ii) The scope of application of Law 93/2021, of December 20, is not as broad as the offences established in accordance with the Convention. However, there are many other Portuguese legal acts which provide protection to natural persons in accordance with the Convention, namely the Criminal Procedure Code;
- iii) Articles 7 to 20 of Law 93/2021, of December 20, establish internal or external reporting channels or publicly disclosed systems, which are confidential, protected, accessible and inclusive, under the scope of this Law;
- iv) Article 4 of Law 93/2021, of December 20, facilitates the timely reporting of any unjustified treatment under the scope of this Law, since “*The denunciation or public disclosure may have as its object infringements that have been committed, that are being committed or whose commission can reasonably be foreseen, as well as attempts to conceal such infringements*”;
- v) Articles 6 and 21 to 28 of Law 93/2021, of December 20, provide protection for any person who reports in good faith and on reasonable grounds any facts concerning infractions under the scope of this Law;
- vi) Finally, in this context it is important to underline article 7(3)(a) and (b) of Law 93/2021, of December 20, which stipulates the following: “*The whistleblower may only publicly disclose an infringement when: a) Has reasonable grounds to believe that the infringement may constitute an imminent or manifest danger to the public interest, that the infringement cannot be effectively known or resolved by the competent authorities, given the specific circumstances of the case, or that there is a risk of retaliation even in the event of an external complaint; or b) Has lodged an internal complaint and an external complaint, or directly an external complaint under the terms provided for in this law, without adequate measures having been taken within the deadlines provided for in articles 11 and 15.*”

Having this rule and the scope of Law 93/2021, of December 20, in mind, and without prejudice to other legal acts in force, a conclusion can be made that this Law may provide protection to a natural person, namely in an emergency relief related case, if all requirements of the law are met.

**The negative effects of corruption on youth and the role played by youth in preventing and combating corruption. For each reply, we would be grateful for hyperlinks to relevant**

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**supporting documentation or websites, or any other supporting documents.**

While the official definition of youth provided by the United Nations refers to persons between the ages of 15 and 24 years (and indeed, all United Nations statistics on youth are based on this definition), the United Nations recognizes that “the operational definition and nuances of the term ‘youth’ vary from country to country”<sup>1</sup> as it relates to sociocultural, institutional, economic and political factors, and adapts to the countries where it operates.<sup>2</sup> UNODC uses the age range of 15 to 30 when referring to engaging young people outside the UN as partners and leaders in their shared objective to prevent and counter corruption. In line with this flexible definition of youth, we encourage Member States to decide which definition they would like to refer to and specify it in their answers to the questionnaire.

1. Does your country collect data disaggregated by age on the experience of young people as victims of corruption? Please provide the findings of any studies you may have carried out on the impact of corruption on young people. An example could be the impact of corruption on access to economic opportunities for businesses owned by young people.

**A.:** No.

2. Does your country have education for young people on integrity, ethics and anti-corruption at the primary, secondary, tertiary or informal level? If yes, please describe and provide any supporting documents.

**A.:** Yes. For example, regarding the MENAC, Article 2(3) of Decree-Law 109-E/2021, of December 9, sets out the mission and duties of MENAC, namely:

- i. Subparagraph a) “**Develop, in liaison with the members of Government responsible for the areas of the Public Administration, of higher education and education, the adoption of programmes and initiatives aimed at creating a culture of integrity and transparency, covering all areas of public management and all levels of education**”; and
- ii. Subparagraph h) “**Produce and disseminate information on corruption and related offences on a regular basis and develop campaigns to prevent it**”.

This includes, of course, the promotion of access to information and the undertaking of public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula, according to article 13(1)(b) and (c) of the UNCAC.

It is also to be highlighted an initiative by civil society, by All4Integrity, which has a “RedEscolas AntiCorruption program” envisaged to promote a sense of public space and common good among young people, as well as trust and empathy for local institutions, in the process of raising awareness and changing behaviours that favour the dissemination and deepening of a culture of integrity in

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Portugal. Here, teachers and students can access numerous interdisciplinary resources that can be explored in the classroom context. Please check [RedEscolas - ALL4INTEGRITY](#).

3. How does your country meaningfully include young people in the development, implementation and monitoring of anti-corruption efforts, including in relation to national anti-corruption strategies?

**A.:** In general, some of the initiatives carried out in the sports and youth sector, both from a legislative and a material perspective, do correspond to the purposes of the Sharm el-Sheik declaration, namely as regards its paragraph 16.

An example of this is [Law no. 14/2024](#), of January 19<sup>th</sup>, which created the legal framework for integrity in sport and combating unsportsmanlike behavior, establishing preventive measures and involving civil society, namely sports federations and sports clubs, through education, training and awareness of the respective sports agents.

In the field of youth it is to be highlighted, namely, the Euroschool Contest (Concurso Euroscola), created by the European Parliament and organized, in Portugal, by the Portuguese Institute of Sport and Youth and by the Office of the European Parliament in Portugal, with the participation of the Assembly of the Republic, both the Legislative Assemblies of Azores and Madeira and both the Regional Youth Directorates of Azores and Madeira. Its theme in 2023 was “Preventing Corruption: A cause for all!” (please check [notícia - IPDJ](#)).

Additionally, and also linked to other points of said declaration, such as points 9 and 10, it is also to be highlighted that the Council of Ministers has approved, in 2023, the criminalization of sports coercion, within the framework of the legal regime of the integrity of sport. In this context, it was proposed the creation of a platform aiming to monitor the manipulation of competitions and the National Council for the Integrity of Sport. This council is to be led by the president of the Portuguese Institute of Sport and Youth (IPDJ) and will include representatives of the judiciary (Public Prosecution Service), the Criminal Police, security forces (GNR and PSP), tax authorities and federations and class associations. The platform is to be coordinated by the director of the National Anti-Corruption Unit (UNCC) of the Criminal Police (PJ), and is to include experts appointed by various bodies, such as the Public Prosecution Service, the PJ itself, the Olympic Committee of Portugal (COP), the Portuguese Federation of Football (FPF), among others. This legislation has been published in the beginning of 2024, having entered into force in February 2024 (please check [Law n. 14/2024](#), of January 19, available here [Lei n.º 14/2024, de 19 de Janeiro \(pgdlisboa.pt\)](#)).

Additionally, and also linked to other points of said declaration, such as points 9 and 10, it is also to be highlighted the active participation of the sports and youth sector, through the IPDJ, within the scope

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of T-PREG - Training on Protected Reporting for Professional and Grassroot Sport, a European project aiming to fight corruption in sport, funded by the Erasmus+ program of the European Commission, whose objective was to significantly strengthen the effectiveness of public policies, in cooperation with private entities, against match-fixing, through a focus on training, information sharing and adequate and adapted implementation of different “protected” reporting systems, relevant to breaking the vow of silence.

## **The negative effects of corruption on women and the role played by women in preventing and combating corruption**

1. Have any studies (quantitative or qualitative) been undertaken or has information been gathered in view of discerning the negative effects of corruption on women in your country? If available, please provide the findings of any such studies or information collection efforts.

**A.:** No.

2. Has your country promoted the role of women in preventing and combating corruption? Has this included efforts to promote the meaningful participation and engagement of, and cooperation with, women’s and community-based organizations that support women in the policy development, planning, implementation and monitoring of your anti-corruption programmes? Please enclose any supporting documentation or hyperlinks, if available.

**A.:** Portugal promotes the meaningful participation and engagement of both women and men in such efforts, namely through policies, projects and initiatives as the ones already mentioned above.

Additionally, it is to be highlighted that there are initiatives which are focused on a gender balanced perspective, such as the introduction of gender impact assessment of legislative acts which is provided for through different instruments:

- The regiment of the Council of Ministers of the XXIVth Constitutional Government, approved by the Resolution of the Council of Ministers n. 65/2024 (available here: [Resolução do Conselho de Ministros n.º 65/2024 | DR \(diariodarepublica.pt\)](#)) establishes that draft legislative texts shall be accompanied by a statement of reasons containing, whenever applicable, indicators regarding the impact on non-discrimination policies and, in the case of draft proposals of law, these must be accompanied by a prior gender impact assessment form, pursuant to Law no. 4/2018, of 9 February (see article 33 of said Resolution of the Council of Ministers n. 65/2024).
- Regiment of the Assembly of the Republic no. 1/2023, of 9 August (point h) of paragraph 2 of article 131), establishing that the Parliament's services shall draw up a technical note for each of

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the draft laws, which shall contain elements related to the impact assessment namely as regards a gender impact assessment.

- Law no. 4/2018, of February 9, establishing the legal framework of gender impact assessment of normative acts: it determines that draft normative acts prepared by the central and regional administration, as well as drafts and proposals of laws submitted to the Assembly of the Republic, are subject to prior gender impact assessment. The successive gender impact assessment may take place at any time on a proposal from the person responsible for the prior assessment or from the body responsible for approving the legislative act.
- The Action Plan for Equality (PAIMH 2018-2021) - Project to create an instrument for assessing the gender impact of legislation: the implementation of this measure was prepared by the Commission for the Citizenship and Gender Equality (CIG) in collaboration with the Competence Center for Planning, Policy and Foresight (PLANAAP), a new broader and more in-depth instrument to be applied in the elaboration of Laws and Decree-Laws.

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