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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

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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*”.

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.

Promoting the participation of society in the development and implementation of anti-corruption efforts is a top priority for the United States. Through its Pillars and Strategic Objectives, the United States Strategy on Countering Corruption has ensured that the U.S. Government will consult and coordinate with representatives of civil society, the private sector, international and multilateral organizations, government partners, researchers, and the Congress. Outlined in the Strategy for example is:

- Civil society support: The United States will boost its ongoing efforts to support, defend, and protect investigative journalists and other civil society and media actors on the front lines of the fight against corruption. In recognition of the critical role that private sector actors play in combating

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corruption, as well as of the economic leverage that the private sector brings to bear, the United States will seek to enlist the private sector as a full-fledged partner in the fight against corruption, stimulating business self-regulation, promoting anti-corruption compliance measures, and unleashing private sector advocacy for anti-corruption reform. The U.S. Department of State, USAID, and other foreign assistance providers will expand and leverage partnerships with the private sector to root out corruption and enhance information sharing, including on corruption-related best practices and typologies. These efforts will benefit from several new and expanded programs, including USAID's Combating Transnational Corruption Grand Challenge and Empowering Anti-Corruption Change Agents Program; the Global Anti-Corruption Consortium; and the Global Initiative to Galvanize the Private Sector as Partners in Combating Corruption. Departments and agencies will coordinate the design and implementation of these programs.

- Support for journalists and other change agents: The United States will deploy new and existing programming to respond to rapidly evolving threats to, and harassment of, reformers, journalists, and other anti-corruption change agents. For example, USAID is working on the creation of "defense-only" liability coverage to investigative reporters and their organizations in the event of defamation claims. USAID's PROSAFE activity, implemented by the International Center for Journalists (ICFJ)/Connectas, supports investigative journalism in environments where they are under threat from criminal organizations and/or facing pressure and censorship. PROSAFE trains journalists on the use of the digital platform tools, data analysis and data journalism, cross-border investigations, physical and internet security, and multi-media reporting, and supports regional exchanges. Beyond strengthening the investigative capacity of journalists, PROSAFE has helped

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create a regional clearinghouse for investigative journalism , providing an outlet for stories too dangerous to be published with an individual by-line, and providing an umbrella organization for security, mentoring, and collaboration among journalists. Additionally, the U.S. Department of State’s launch of the new global Anti-Corruption Champions Award will reinforce diplomatic and foreign assistance efforts in these areas and illustrate high-level U.S. commitment to reform-minded individuals both within and outside of government.

- **Countering Strategic Lawsuits Against Public Participation (SLAPP):** Departments and agencies will work to counter nuisance suits against journalists and activists, and will seek additional authorities, working with the Congress if needed, to advance anti-SLAPP programs and policies. When possible, the United States will coordinate actions with partner countries taking similar steps. developed in consultation with relevant stakeholders, spanning governments, civil society, non-governmental organizations, and the private sector.
- **Sanctions and visa restrictions:** The United States will continue to engage relevant stakeholders in foreign governments, parliament, and civil society to advance efforts to multilateralize economic sanctions and visa restriction tools designed to curtail corruption.
- **G7 and G20:** The United States will continue to push G7 and G20 members to effectively implement strong transparency and anticorruption measures, such as those put forth in the FATF standards, and to strengthen G7 and G20 engagement with non-governmental stakeholders to include the private sector, civil society, and other relevant actors have a voice in shaping these efforts.

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Finally, championing the role of civil society in the fight against corruption is a U.S. Conference of States Parties (COSP) presidency priority.

- At the COSP, UNODC and the United States convened the fourth Anti-Corruption Academic Symposium. The two-day event gathered members of academia and civil society to discuss recent trends and good practices on corruption-related topics and assess challenges facing academia when researching corruption.
- The United States also hosted the first Anti-Corruption Civil Society Forum. The event underscored the vital role of civil society engagement in the fight against corruption.
- UNODC and UN Global Compact, with United States support, co-organized the first COSP Private Sector Forum. The Forum convened more than 200 participants, including business leaders, chief compliance and legal officers, as well as key stakeholders from the public sector.
- The United States has been a strong advocate for stakeholder participation in regard to the UNCAC, including expanding the NGO briefings to a full half-day session at the Prevention Working Group meeting in September, and including NGO participation on the panels at the working group meetings.
- The United States has also made a concerted effort to include civil society and other non-government stakeholders in the various anti-corruption review processes in which the United States participates, including the IRM. During both the first and second review cycles, the United States organized

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meetings with civil society during the site visits for the reviews, and help briefings with NGOs following the conclusion of the reports.

- More broadly, public participation and oversight are core tenets of the U.S. governance system. While measures to promote these tenets might not always be seen as explicitly “anti-corruption” in nature, they often do serve an important role in ensuring transparency, accountability, and integrity in the public sector. Chief among this framework is the U.S. Constitution, which among many other important things, guarantees certain freedoms to U.S. citizens. The Constitution’s First Amendment guarantees, inter alia, the freedoms of speech, assembly, petition, and press. These freedoms allow citizens and the media to speak about and, if they choose, criticize, laws, regulations, and government actions without fear of unjust reprisal. The freedom of petition also allows any citizen to engage the government on specific issues without fear of punishment or reprisal. The freedom of assembly allows individuals to gather and protest against the government, which is an important part of civic participation.
- A number of laws and regulations complement the fundamental freedoms afforded by the Constitution. For example, one of the principal mechanisms for seeking consultation in the executive branch of the federal government is the Administrative Procedure Act (APA) (5 U.S.C. § 551). The Act requires (with limited exceptions) that all rules and regulations proposed by federal agencies must be announced in the Federal Register with opportunity for public comment. The agency must also issue its responses to the comments. In addition to setting forth rulemaking procedures, the APA addresses other agency actions such as issuance of policy statements, licenses, and permits. It also provides standards for judicial review if a person has been adversely affected or aggrieved by an agency action.



- A number of U.S. laws and regulations ensure and encourage public sector transparency. Principal among these laws is the Freedom of Information Act (5 U.S.C. § 552) ("FOIA"). This law generally provides that any person has a right, enforceable in court, to obtain access to federal agency records and agencies must respond to the requests within ten days. FOIA is administered through a decentralized system so that each federal agency is responsible for implementing the Act's requirements. Agencies also make a wide variety of information available to the public proactively, including frequently requested records which are required to be posted online so that they are readily available to all.

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?

No major barriers have been identified.

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 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"¹ as it relates to sociocultural,

¹ United Nations, "Global Issues: Youth", <https://www.un.org/en/global-issues/youth>.



institutional, economic and political factors, and adapts to the countries where it operates.² 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.

The United States does not collect this type of disaggregated data.

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.

Education is primarily a state and local responsibility in the United States. States and communities, as well as public and private organizations—rather than the federal government—establish schools and colleges, develop curricula, and determine requirements for enrolment and graduation. That said, the U.S. government uses the Internet as a tool to engage young people to raise awareness of how the federal government works; the importance of good governance; and other issues relevant to the fight against corruption. Examples of U.S. government anti-corruption publications available online include:

² General Assembly resolution 36/81; and United Nations Educational, Scientific and Cultural Organization (UNESCO), *Meaningfully engaging with youth* (Paris, 2019).



- U.S. Efforts to Internationalize Action against Corruption: This online document outlines the different lines of effort in which the U.S. Government is engaged to combat corruption internationally.
- A Resource Guide to the Foreign Corrupt Practices Act (FCPA Guide): The FCPA Guide contains information about the FCPA's history, related international conventions, and key provisions of the statute; discusses enforcement efforts by the DOJ and SEC; and provides information about related issues, including the importance of an effective compliance program to detect and prevent FCPA violations. The FCPA Guide is an unprecedented resource, providing lawyers, the business community, and ordinary citizens a substantive discussion of the FCPA and its application. It is available in PDF format on several websites. In addition to the FCPA Guide, the SEC3 and DOJ4 websites also provide comprehensive information on the enforcement of the FCPA. Information includes details of case summaries and translations of the FCPA in several languages, information on the Opinion Procedure, press releases, international conventions and other guidance.

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?

The United States meaningfully includes young people in the development, implementation and monitoring of anti-corruption efforts in the following ways:

- In March 2023, Ambassador Linda Thomas-Greenfield announced the [Global Youth Democracy Network](#) (YDN) to foster the next generation of democratic leaders. The Network will strengthen intergenerational ties

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and increase peer-to-peer connections so that the next generation of leaders can work together to foster strong democracies and respect for human rights. Young people all over the world will be invited to join the Network, interact via an online platform, learn from digital programming, and exchange perspectives. Through an associated Youth Democracy Fellowship, we intend to provide additional opportunities for a select subset of participants, helping to develop the next generation of diverse civic leaders. The Network's content will be youth-driven, with the Community of Democracies' YouthLeads group serving as an advisory board.

- In December 2023, Under Secretary of State for Civilian Security, Democracy, and Human Rights Zeya and Special Envoy for Global Youth Issues Finkenauer participated in the Young Changemakers event at the U.S.-hosted Conference of the States Parties to the UN Convention against Corruption (UNCAC) where we presented a [“Road map to strengthening the role of non-governmental actors \(young people, academia, and civil society\) in the fight against corruption.”](#)
- The U.S. Department of State also funded three [regional dialogues](#) in 2023 involving young people from 50 countries in coordination with the Global Resource for Anti-Corruption Education and Youth Empowerment (GRACE) initiative of the UN Office on Drugs and Crime (UNODC). The dialogues resulted in a set of recommendations aimed at strengthening the inclusion and participation of civil society in the implementation of the provisions of the UNCAC, which were consolidated and published by the GRACE initiative in a [policy guide for anti-corruption authorities on meaningful youth engagement](#).

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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.

The United States seeks, through several strategies, including the Strategy on Countering Corruption; the National Strategy on Gender Equity and Equality; the U.S. Strategy on Women, Peace, and Security; the updated 2022 U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally; and the recently launched U.S. Strategy on Global Women’s Economic Empowerment to emphasize the importance of achieving strategic goals on equity and equality.

In July 2022, U.S. Secretary of State Antony Blinken appointed the State Department’s first Coordinator on Global Anti-Corruption, Richard Nephew, to lead efforts to integrate and elevate anti-corruption across all aspects of U.S. diplomacy and foreign assistance, including promoting gender equality and addressing corruption’s disproportionate effect on underserved communities.

The Coordinator and his team are working with colleagues around the Department and the U.S. interagency to improve analysis and learning for anti-corruption efforts. This means understanding corruption, including the gender and corruption nexus, leveraging existing metrics to improve policy and programming, and identifying new data we need to collect and incorporate into decision-making. For example, to inform anti-corruption efforts within the Department on social and legal issues for underserved and marginalized persons, Coordinator Nephew has met with offices advancing these issues, including the Acting Ambassador for the Secretary’s Office of Global Women’s Issues, the Special Representative for Racial Equity and Justice, the U.S. Special Advisor on International Disability Rights, and

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the U.S. Special Envoy to Advance the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI+) Persons.

Leveraging the power of both anti-corruption and gender equality strategies helps improve our understanding of the way gender affects experiences with corruption and the impact of corruption on gender inequality, and thus improves our ability to address both challenges.

In the international context, the United States supports efforts to encourage law enforcement agencies to use the International Classification of Crime for Statistical Purposes (the ICCS). The ICCS includes corruption, which it describes as, “Unlawful acts as defined in the United Nations Convention against Corruption and other national and international legal instruments against corruption.” In addition, one specified unlawful act characterized as an injurious act of a sexual nature is, “Procuring sex under coercion or through abuse of power.” Procuring sex through an abuse of power is an important inclusion because it acknowledges a form of corruption that affects victims differently.

With respect to understanding the impact of corruption on women and members of other marginalized populations, implementation of the ICCS framework contributes to improved understanding of the profile of offenders and victims, permitting countries and the international community to begin to focus on the differential impact of corrupt activities on different types of victims.

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

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monitoring of your anti-corruption programmes? Please enclose any supporting documentation or hyperlinks, if available.

Pursuant to the U.S. National Strategy on Gender Equity and Equality, the State Department developed a new intersectional gender analysis framework, which will help its personnel explore when women and girls may lack access to services, for example, and why. It also encourages ongoing consultations with affected populations, including women and girls on the ground, to inform recommended interventions.

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