



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Interdepartementale Arbeitsgruppe Korruptionsbekämpfung
Groupe de travail interdépartemental pour la lutte contre la corruption
Gruppo di lavoro interdipartimentale per la lotta contro la corruzione

17 September 2021

Activity Report of the Interdepartmental Working Group on Combating Corruption (2018–20)

Contents

1. Summary	3
2. Development of the situation	4
2.1 General perception of corruption in Switzerland	4
2.2 Statistics on criminal convictions	5
2.3 Reporting within the Federal Administration	6
3. Concluded and ongoing legislative work	7
3.1 Law on procurement	7
3.2 Whistleblowing	8
3.3 Money laundering and mutual judicial assistance	8
3.4 Indirect counter-proposal to the Responsible Business Initiative	9
3.5 Transparency in political funding	9
4. Activities of the IDWG on Combating Corruption	9
4.1 The Federal Council's Anti-Corruption Strategy 2021–24	9
4.2 Thematic workshops of the IDWG on Combating Corruption	10
4.3 Federal-cantonal information network on corruption	11
4.4 Implementation of earlier recommendations	11
4.5 Raising awareness among federal staff	12
4.6 Raising awareness in the private sector	13
5. Switzerland's work at the international level	13
5.1 GRECO (Council of Europe Group of States against Corruption)	13
5.2 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions	14
5.3 UNCAC (United Nations Convention against Corruption)	15
5.4 Switzerland's other activities at the international level	15
6. Summary and outlook	17
Annex 1	18
Annex 2	19

1. Summary

On 25 April 2018 the Federal Council renewed the mandate of the Interdepartmental Working Group (IDWG) on Combating Corruption. This mandate includes the task of drawing up a report every three years for the attention of the Federal Council on its activities and how the situation is developing. The present report outlines the activities of the working group during the period 2018–20, as well as other national and international developments in the fight against corruption.

During the reporting period, the IDWG on Combating Corruption drafted the [Federal Council's Anti-Corruption Strategy 2021–24](#), which was adopted by the Federal Council on 25 November 2020. The strategy summarises for the first time the various activities of the Confederation in the field of combating corruption; it sets objectives and defines 42 measures. This overview is intended to provide guidance for the individual divisions and administrative units and for stakeholders outside the administration, as well as promoting joint efforts to prevent and combat corruption at the federal level.

Another highly significant event for the IDWG on Combating Corruption was the establishment of the federal-cantonal information network on corruption on 22 November 2018. The network, which is also supported by the Conference of Cantonal Governments, offers a platform for the regular exchange of experience and best practices with the cantons. Four meetings of the network have already taken place during the reporting period.

A number of important legislative processes were also under way during this period that have a direct or indirect bearing on anti-corruption. Switzerland's revised public procurement law, which focuses more strongly on preventing corruption, was completed and came into force on 1 January 2021. Anti-corruption efforts were also bolstered by the revised Anti-Money Laundering Act and the new provisions of the Swiss Code of Obligations (CO) relating to corporate reporting on non-financial matters. However, another legislative project in the area proved unsuccessful: the revision of the Swiss Code of Obligations to protect private-sector employees who report irregularities ('whistleblowers') failed in Parliament.

At the international level, Switzerland again underwent country reviews within the framework of the UN, the OECD and the Council of Europe. Overall, it was able to maintain its good reputation. However, the evaluations by other countries showed that there is room for improvement not only with regard to the national and international corruption cases, but also in Switzerland itself.

2. Development of the situation

2.1 General perception of corruption in Switzerland

The number of cases of corruption detected in Switzerland remains low compared with other countries in Europe and around the world. This is confirmed by Switzerland's consistently good ratings in Transparency International's Corruption Perceptions Index (CPI):

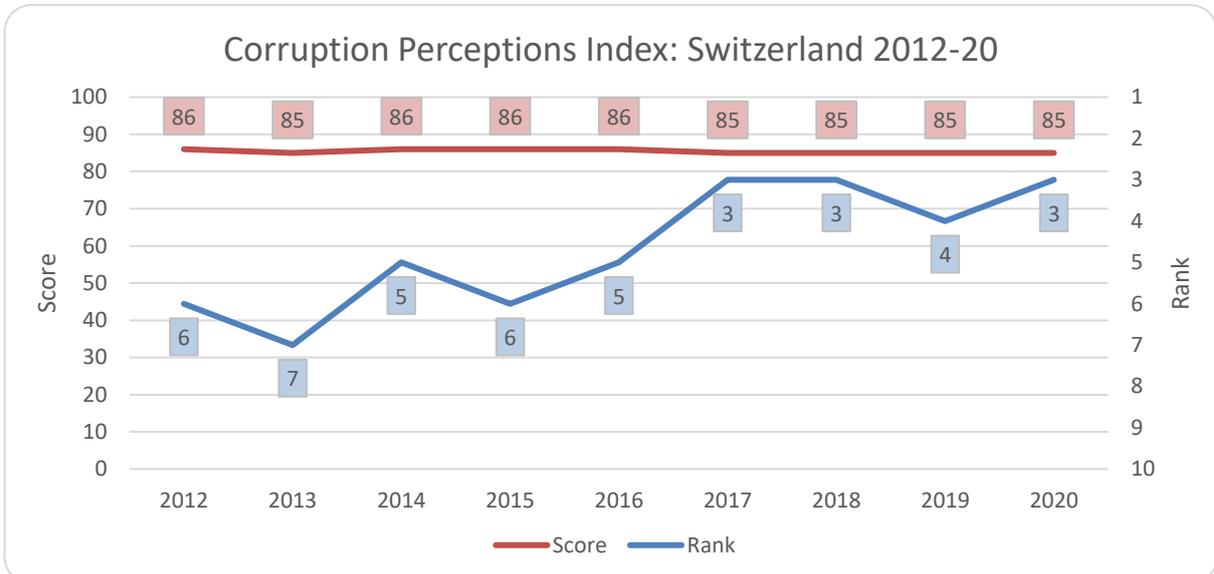


Diagram 1: Corruption Perceptions Index

Source: Transparency International

Since the beginning of the rankings in 1995 Switzerland has never been below twelfth place; since 2012 it has never been below seventh place. In recent years, it has established itself in the group of highest-rated countries, though its total number of points remained consistent.

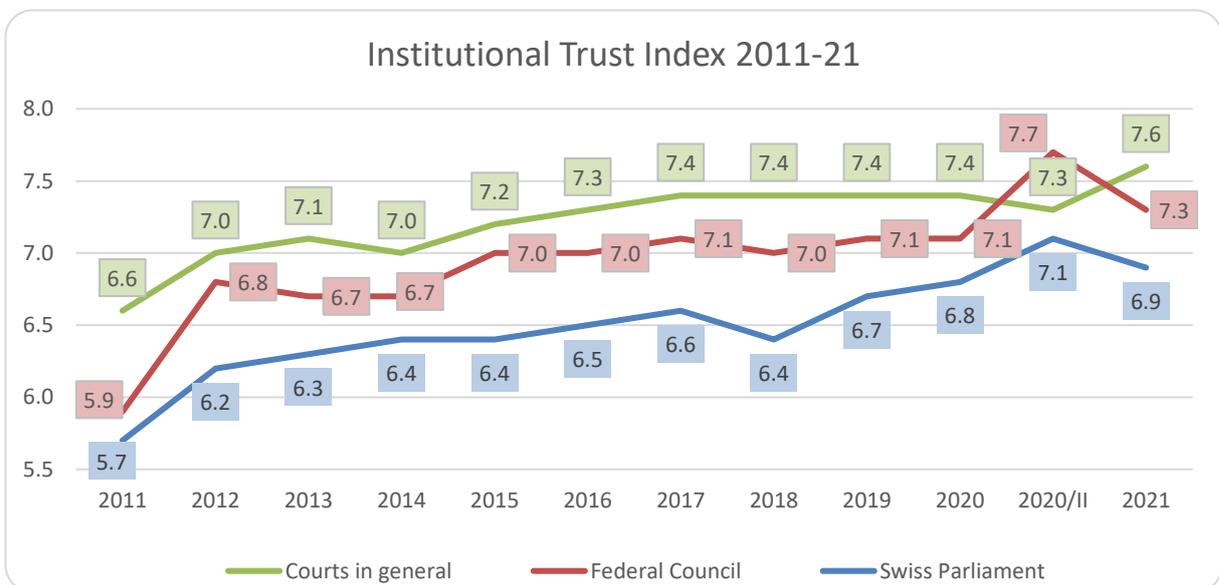


Diagram 2: Institutional Trust Index 2011–21

Source: ETH Zurich

While the CPI reflects an outside perception, the Institutional Trust Index compiled by ETH Zurich is based on a representative survey of the Swiss population. According to this index, Swiss institutions and authorities such as the Federal Council, the Swiss Parliament, the courts, the police and the army, have enjoyed a high and generally increasing level of trust for years. In a follow-up survey in July 2020, trust in the Federal Council and Parliament even

reached an all-time high.¹ PwC's 2018 Global Economic Crime and Fraud Survey sheds light on the situation in the private sector: 39% of the 101 companies surveyed in Switzerland reported having been affected by economic crime in the last two years (compared to 41% in 2016). Bribery and corruption are increasingly affecting their business: 27% of respondents had been asked to pay a bribe in the last 24 months (up from 9% in 2016), and 20% had lost a business opportunity to a competitor they believed paid a bribe (up from 11% in 2016).² Some 70% of Swiss respondents were referring to global, not local, business opportunities.

2.2 Statistics on criminal convictions



Diagram 3: Statistics on criminal convictions in Switzerland, 2001–20: Number of convictions

Source: FSO

No increase in corruption offences was observed in the criminal conviction statistics. During the reporting period, the Federal Statistical Office (FSO) recorded a total of 32 convictions for bribery offences under the Criminal Code.³ These include the offences under Title Nineteen (Bribery) of the Swiss Criminal Code (SCC) and Articles 168 (Subordination in enforcement proceedings) and 281 (Corrupt electoral practices).

A longer-term analysis shows that despite the tightening of Swiss anti-corruption legislation⁴ the number of convictions has not increased significantly. 2015 was the only year in which an unusually high number of convictions was observed, although this is explained by the presence of a single cluster of summary penalty orders.⁵

Criminologists believe that there is a high number of unreported cases of corruption; indeed, it should be assumed that the vast majority of corruption cases are unreported. This puts the low number of recorded offences into perspective. It should also be noted that many cases of money laundering are linked to corruption. According to an internal administrative study, corruption accounts for almost a quarter of money laundering predicate offences, with 99% of the corruption offences occurring abroad.⁶

¹ Security 2021 – The Trend of Opinions on Foreign, Security and Defence policy. Military Academy (MILAC) at ETH Zurich and the Center for Security Studies (CSS), ETH Zurich, Birmensdorf and Zurich.

² [PwC: Global Economic Crime and Fraud Survey 2018 – Swiss findings](#). The Swiss findings for [PwC's Global Economic Crime and Fraud Survey](#) for 2020 were not available at the time this report was written.

³ Swiss Criminal Code of 21 December 1937 (SR 311.0; SCC).

⁴ Swiss anti-corruption legislation was revised in 2000, 2006 and 2016.

⁵ Cf. 2014–17 Activity Report of the IDWG Anti-Corruption, fn. 5.

⁶ National Risk Assessment: corruption as a predicate offence to money laundering. Report by the interdepartmental coordinating group on combating money laundering and the financing of terrorism (CGMF), April 2019.

2.3 Reporting within the Federal Administration

Since Article 22a of the Federal Personnel Act⁷ came into force on 1 January 2011, federal employees have been obliged to report crimes and offences that must be prosecuted *ex officio*. Federal employees are obliged to report all crimes or offences discovered or reported to them in the course of their official activities to the prosecution authorities, their superiors or the Swiss Federal Audit Office (SFAO) (Art. 22a para. 1). Furthermore, employees are entitled to report to the SFAO other irregularities that they have discovered or that have been reported to them in the course of their official activities (Art. 22a para. 4).

Since 1 June 2017, the SFAO has operated an online whistleblowing platform (www.whistleblowing.admin.ch) on which private individuals as well as federal employees can securely and anonymously report suspected irregularities, acts of corruption or other illegal activities within the administrative units of the federal government or with a subsidy recipient. The number of reports received by the SFAO has risen sharply since then.

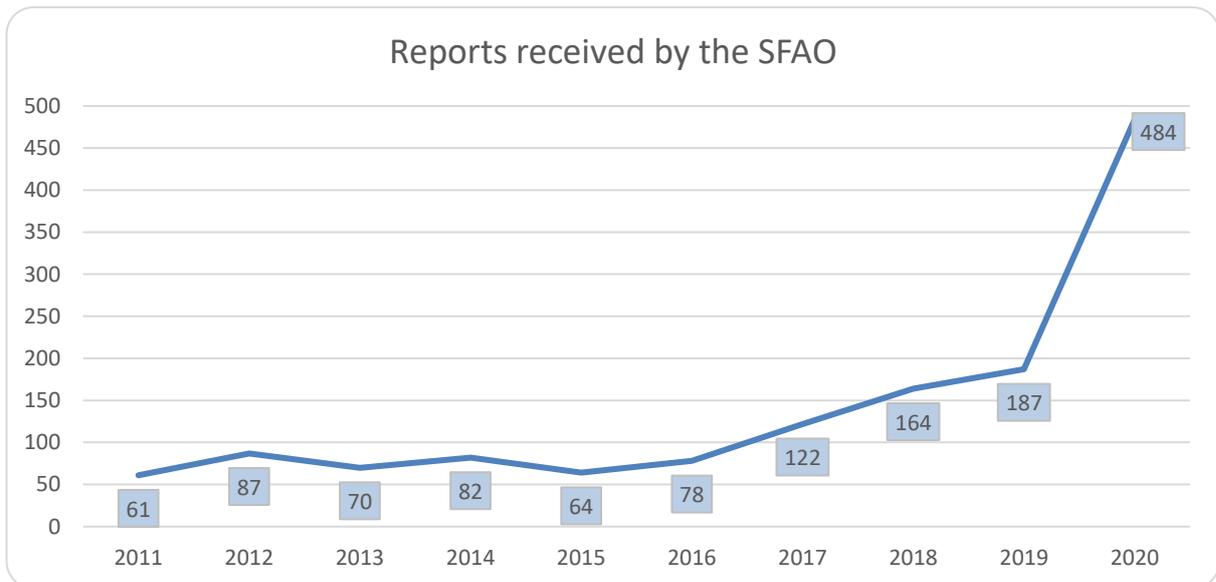


Diagram 4: Reports received by the SFAO

Source: SFAO

The sharp increase in 2020 is due to reports related to short-time working compensation and COVID-19 credits.⁸ The percentage of reports from federal employees remained stable at around 46% in 2018, around 45% in 2019, and 44% in 2020 (excluding COVID-19 cases).

There are also internal reporting offices within the Federal Administration, for example the Compliance Office of the Federal Department of Foreign Affairs (FDFA Compliance Office) and the ombudsperson of the Federal Roads Office (FEDRO).

⁷ Federal Personnel Act of 24 March 2000 (SR 172.220.1; FPA).

⁸ The Money Laundering Reporting Office Switzerland (MROS) at the Federal Office of Police (fedpol) also received more than a thousand suspicious activity reports from financial intermediaries in connection with COVID-19 loans in 2020.

National and international corruption cases continued to garner the interest of the Swiss public during the reporting period. The Federal Administration and businesses associated with the federal government were not spared: in 2018, the Federal Criminal Court sentenced an SBB employee who had enriched himself for years when awarding contracts. In 2019, three entrepreneurs and a fiduciary who had granted undue advantages to a SECO employee in connection with IT purchases accepted penalty orders from the Office of the Attorney General of Switzerland. In addition, the case of a RUAG employee who was involved in unauthorised private dealings outside of his sales role caused a stir in 2018.

Criminal proceedings related to international football and the subsequent anti-corruption measures taken by FIFA itself attracted worldwide attention. The Swiss judiciary's contribution to clarifying the case clusters relating to the Malaysian state development fund 1MDB and the Brazilian companies Petrobras and Odebrecht was positively noted. However, the involvement of Swiss financial intermediaries in these scandals also made for negative headlines.

In addition to individuals, companies were increasingly held accountable and criticised for their organisational shortcomings. In 2019, the Office of the Attorney General of Switzerland issued a penalty order requiring several companies of the Gunvor Group to pay a total of around CHF 94 million, of which CHF 4 million was a fine. As a result of serious deficiencies in its internal organisation, the oil trader had not taken measures to prevent the bribery of public officials of the Republic of the Congo and Côte d'Ivoire. In 2020, regulatory measures taken by Finma against the bank Julius Baer also attracted attention. The regulatory authority had identified serious anti-money laundering deficiencies in the context of the alleged corruption cases surrounding the Venezuelan oil company PDVSA.

3. Concluded and ongoing legislative work

3.1 Law on procurement

The National Council and the Council of States adopted the total revision of the Federal Act on Public Procurement (PPA, SR 172.056.1) on 21 June 2019. In parallel, the Swiss Parliament adopted the revised WTO Agreement on Government Procurement (2012 GPA). The completely revised PPA and the corresponding amendments to the Public Procurement Ordinance (PPO, SR 172.056.11) entered into force on 1 January 2021.

The purpose of the revision is to harmonise procurement procedures at the federal and cantonal levels; the GPA 2012 is also being integrated into national legislation at the same time. The 2012 GPA improves transparency and accords considerable weight to combating corruption in the awarding of public contracts. With the revised law on procurement, even more attention will be given in the future to systematic efforts to combat corruption than is currently the case. A fundamentally new element in the PPA is the explicit mention of corruption prevention in the object article and in the procedural principles (Art. 2 let. d and Art. 11 let. b PPA). In addition, the law contains concrete measures on combating corruption: for example, bidders and subcontractors who violate the provisions on combating corruption can be excluded from a current or future award procedure (Art. 44 para. 1 let. e PPA). This regulation takes into account a recommendation made by the OECD Working Group on Bribery. In serious cases, exclusion from future public contracts for up to five years is possible (Art. 45 para. 1 PPA), and applies to all federal contracting authorities. In less serious cases offenders can be warned. The responsible authority compiles a non-public list of the bidders and subcontractors who have been sanctioned.

3.2 Whistleblowing

The Federal Council's second project aiming to modify employment contract law was submitted to Parliament in September 2018, where it was ultimately rejected on 5 March 2020⁹ and thus definitively brought to an end. The project aimed to clarify the conditions under which a private sector employee could report irregularities they encountered in the course of his or her work. It also aimed to allow the employee to receive compensation if they were dismissed as a result of such actions. The project was criticised as excessively complex by parties of the left and right alike. Lawmakers believed it would not truly provide whistleblowers with additional protection and would to some extent even erode existing legal certainty founded on case law. They also believed that ordinary employees would be unable to determine in advance whether the whistleblowing activity might be legal or not. During the debates, some lawmakers announced they would table new interventions to reopen the debate on this issue.

3.3 Money laundering and mutual judicial assistance

On 25 September 2020, the Swiss Parliament adopted the Federal Decree on the Council of Europe Convention on the Prevention of Terrorism and its Additional Protocol.¹⁰ The main aim of this revision was to bring Swiss criminal law in line with the aforementioned texts, particularly with regard to the financing of travel and training for terrorist purposes. However, the legislator also used the revision to formalise dynamic mutual assistance in the Mutual Assistance Act (IMAC, RS 351.1) and strengthen the powers of the Money Laundering Reporting Office Switzerland (MROS) under the Anti-Money Laundering Act (AMLA, RS 955.0), which will have a positive impact on the fight against corruption in general. These modifications came into force on 1 July 2021¹¹ and can be summarised as follows:

Reinforcement of the powers of the MROS

In the context of the report on the mutual evaluation of Switzerland in December 2016,¹² the Financial Action Task Force (FATF) expressed its regret that the MROS did not have the right to approach Swiss financial intermediaries who were the subject of information received exclusively from foreign counterparts. The OECD Working Group on Bribery made a similar observation in March 2018.¹³ A modification to Article 11a AMLA corrects this issue by granting the MROS this power (see in particular 11a, paras 2bis and 3).

Strengthening of mutual judicial assistance

Although other countries have recognised the quality of Switzerland's mutual judicial assistance on criminal matters, it is sometimes noted that a defendant's rights of appeal in this context can have an impact on the speed of a given procedure. This issue was raised by the FATF in 2016¹⁴ and the OECD working group in 2018.¹⁵ Although rights of appeal in this context have not been reviewed, the spontaneous transmission of information and joint investigation teams have been formalised in Articles 80^{dbis} and 80^{dter} IMAC with regard to investigations on activities relating to organised crime and terrorism. These instruments will help expedite mutual assistance procedures in the areas mentioned above.

⁹ [13.094 | CO. Protection of whistleblowers in the workplace \(de/fr\) | Official Bulletin| Swiss Parliament \(parlament.ch\)](#).

¹⁰ FF 2020 7651 (de, fr, it), <https://www.admin.ch/opc/fr/federal-gazette/2020/7651.pdf>

¹¹ [The fight against terrorism: reinforced criminal law provisions come into force \(admin.ch\) \(de, fr, it\)](#)

¹² FATF, *Measures to combat money laundering and the financing of terrorism and proliferation in Switzerland*, December 2016, <https://www.fatf-gafi.org/media/fatf/content/images/mer-switzerland-2016.pdf>.

¹³ OECD, *Implementing the OECD Anti-Bribery Convention, Phase 4 Report: Switzerland*, 15 March 2018, <https://www.oecd.org/corruption/anti-bribery/Switzerland-Phase-4-Report-ENG.pdf>.

¹⁴ FATF, *ibid*, Criterion 37.5, p. 226.

¹⁵ OECD, *ibid*, para. 119 et seq., p. 54 and Recommendation 12(a), p. 79.

3.4 Indirect counter-proposal to the Responsible Business Initiative

On 29 November 2020, the popular initiative 'For responsible businesses – protecting human rights and the environment' was rejected for failing to win support among a majority of the cantons. As a result, an indirect counterproposal will now come into force which the Federal Assembly had already adopted on 19 June 2020 as part of the revision of Swiss company law. Based on EU Directive 2014/95/EU, publicly listed companies and major financial institutions will be subject to an obligation to report on anti-corruption efforts and other non-financial matters. This includes reporting on the key risks, the measures taken and their effectiveness, or the reasons why no anti-corruption concept is being followed (i.e. on a 'comply or explain' basis). The referendum period for the indirect counterproposal began on 27 April 2021 and ended on 5 August 2021 without being used. The indirect counterproposal will probably not enter into force before the end of 2021. In accordance with the Swiss Code of Obligations, the provisions cannot be applied before the financial year after the year in which the new provisions came into force.

3.5 Transparency in political funding

Regarding the draft law on the transparency of political party funding, see the final paragraph of section GRECO (**Council of Europe Group of States against Corruption**).

4. Activities of the IDWG on Combating Corruption

The new mandate of the IDWG on Combating Corruption defines the working group as a planning and coordination body within the meaning of Art. 55 GAOA. All interested administrative units can be represented in the IDWG on Combating Corruption. Around 30 federal offices and the Office of the Attorney General of Switzerland made use of this opportunity during the reporting period; the Swiss Federal Audit Office participates in events as an observer. A core group plans and controls the IDWG's processes and performs other operational tasks. It is chaired by the FDFA (SFDP) and includes representatives of the Federal Office of Justice (FOJ), the Federal Office of Police (fedpol), the Federal Office of Armaments (armasuisse), the Federal Office of Personnel (FOPER), the Federal Office for Buildings and Logistics (FOBL), the State Secretariat for Economic Affairs (SECO), the Federal Roads Office (FEDRO) and the Office of the Attorney General of Switzerland (OAG). Finally, the IDWG on Combating Corruption has a secretary who is employed by the FDFA.

4.1 The Federal Council's Anti-Corruption Strategy 2021–24

The IDWG on Combating Corruption received a new mandate on 25 April 2018. Among other things, it involved working on strategic and operational anti-corruption objectives at the federal level and submitting them to the Federal Council for approval by 31 March 2020.

While developing the Federal Council's Anti-Corruption Strategy 2021–24, the IDWG on Combating Corruption carried out a series of workshops on specific issues (see section 4.2) between November 2018 and June 2019. These were attended by numerous federal offices, the Office of the Attorney General of Switzerland, and selected representatives from the private sector, civil society, and the academic community. The discussions were based on the IDWG core group's thesis papers. These contained proposals for strategic and operational objectives and took on board suggestions and recommendations from international organisations (in particular from Switzerland's country reviews), from parliament, from the reports of the Swiss Federal Audit Office, from the strategies of similar countries and from academic publications.

The strategy for the 2021–24 period sets 11 objectives ranging from the prevention, detection and suppression of corruption through to international issues in the field:

1. All public officials and federal employees ensure that their public duties are not compromised by private interests.
2. The administrative units are aware of the risks of corruption specific to their field of business and pay particular attention to those activities and task areas with increased risk exposure.
3. The Confederation creates and preserves trust through greater transparency.
4. The autonomous entities act as role models in terms of integrity and transparency.
5. The Confederation, cantons and communes collaborate in their anti-corruption efforts and learn from each other.
6. Whistleblowers do not have to fear any reprisals from the Confederation.
7. The judicial and supervisory authorities have effective legal instruments at their disposal to prosecute corruption offences *ex officio*.
8. Corruption offences are prosecuted *ex officio* and appropriately punished.
9. Companies with honest business practices are not at a competitive disadvantage on international markets.
10. Switzerland is perceived as a reliable partner in the fight against corruption.
11. Switzerland combines international cooperation and human rights protection with the fight against corruption.

At the operational level, the strategy sets out 42 measures. Objectives and measures are to be understood as strategic directions. They are to be clarified by the competent administrative units, with the existing areas of responsibility remaining unchanged.

After some unforeseen delays, notably in connection with the COVID-19 pandemic, the Federal Council's Anti-Corruption strategy 2021-24 was adopted by the Federal Council on 25 November 2020. In this context, the IDWG on Combating Corruption was tasked, among other things, with facilitating the implementation of the listed measures by the competent administrative units, supporting the realisation of the objectives by means of recommendations, and keeping the cantons up to date.

The IDWG on Combating Corruption intends to closely accompany and monitor the implementation of the measures by means of various monitoring instruments (questionnaires, reporting within the framework of IDWG workshops and meetings of the core group, etc.). To this end, the core group has drawn up an implementation and monitoring plan. The IDWG on Combating Corruption will provide information on this process and on the implementation status of the individual measures in the next activity report (2021–23); in addition, the FDFA will have the implementation of the strategy evaluated by an independent body so that the Federal Council can take stock at the end of 2024.

4.2 Thematic workshops of the IDWG on Combating Corruption

During the reporting period the IDWG on Combating Corruption organised six events, each of which addressed a current priority issue with specialist speakers and interactive panel discussions. These events served to raise awareness on preventing and combating corruption both among members of the IDWG and, depending on the topic under discussion, a wider audience from within and outside the Federal Administration. Due to social distancing restrictions related to the COVID-19 pandemic, all IDWG events in 2020 were held in a purely virtual format for the first time. The following thematic priorities were addressed between 2018 and 2020:

- 'Corruption in civil engineering', meeting and workshop on 29 May 2018, Bern
- 'Results of OECD country monitoring Phase 4', workshop on 17 September 2018, Bern
- 'Compliance in the Federal Administration', workshop on 4 February 2019, Bern
- 'Corruption in the healthcare sector', workshop on 21 October 2019, Bern
- Financial control and COVID-19 measures / revised procurement law, virtual workshop on 26 May 2020
- 'How do you measure corruption?', virtual workshop on 27 November 2020

The IDWG on Combating Corruption also conducted five workshops for the drafting of the Federal Council's Anti-Corruption Strategy 2021–24:

- 'Goals and priorities', workshop on 22 November 2018, Bern
- 'Prevention', workshop on 1 March 2019, Bern
- 'Detection and repression', workshop on 2 April 2019, Bern
- 'International issues', workshop on 2 May 2019, Bern
- 'Institutional issues', workshop on 4 June 2019, Bern

Detailed information on individual IDWG workshops can be found on the [website of the IDWG on Combating Corruption](#) under 'Documents'. The consistently high number of participants at the meetings and thematic workshops – both online and in person – confirms the relevance of the chosen topics and the ongoing need for discussion and exchange between the various stakeholders active in the field of anti-corruption at federal offices and in the private sector, civil society and academia.

4.3 Federal-cantonal information network on corruption

During the reporting period, the IDWG on Combating Corruption established a regular dialogue with the cantons. It pursued the Federal Council's mandate to set up an information network on corruption with the cantons and enlisted the support of the Conference of Cantonal Governments (CCG) to that end. The federal-cantonal information network on corruption was set up on 22 November 2018 in Bern. Its meetings usually take place twice a year: they facilitate the mutual exchange of experience and help raise awareness on various aspects of the fight against corruption. The meetings are attended by the president and core group of the IDWG on Combating Corruption, as well as by the secretary general of the CCG and representatives nominated by the 26 cantons. The Association of Swiss Communes, the Swiss Union of Cities, the Conference of Public Prosecutors, and the Association of Audit Offices of German-Speaking Switzerland and the Principality of Liechtenstein are also invited. The Conférence des chefs des contrôles financiers des cantons latins (Conference of the heads of financial control for the French- and Italian-speaking cantons) is represented by the delegate of the Canton of Ticino.

The federal-cantonal information network on corruption has so far met on the following occasions:

- Constituent meeting on 22 November 2018 in Bern
- 'Whistleblower protection', meeting on 4 June 2019 in Bern
- 'Codes of conduct for administrative staff', meeting on 26 November 2019 in Zurich
- 'Administrative and disciplinary proceedings in administration', virtual meeting on 27 November 2020

4.4 Implementation of earlier recommendations

The core group of the IDWG on Combating Corruption had put forward several recommendations in the 2014–17 activity report, which it subsequently followed up on (see Annex 1). During the reporting period, the focus was on strategy development; no other recommendations were made.

The core group had noted in the past that the employment contracts of a number of senior federal employees did not contain revolving-door clauses on possible moves to the private sector (also known as 'pantouflage'). It therefore made the recommendation that, in order to avoid possible conflicts of interest, such clauses should be included in employment contracts of senior managers in the Federal Administration where objectively appropriate. In its 2014–17 activity report, the IDWG on Combating Corruption announced that the core group would continue to monitor the practical implementation of this recommendation.

To this end, on 25 October 2019 the IDWG on Combating Corruption sent a survey to the secretariats general of the seven departments to determine the number of employment contracts in the Federal Administration with revolving-door clauses. The evaluation revealed only three cases of revolving-door clauses since 2016. As a result of the survey, the IDWG on Combating Corruption sent a letter to the secretaries general and heads of HR of the departments on 4 March 2020, warning them of the risk of conflicts of interest when employees transfer directly from the Federal Administration to the private sector, and encouraging them to make greater use of revolving-door clauses. A corresponding measure can also be found in the Federal Council's Anti-Corruption Strategy 2021–24, measure ten of which states that: 'the waiting period under Art. 94b FPersO for public servants taking up private employment will be applied more frequently in order to avoid conflicts of interest.'

4.5 Raising awareness among federal staff

At the request of the IDWG on Combating Corruption, the Conference of Secretaries General (CSG) decided in December 2015 to declare the completion of the e-learning module 'Corruption prevention and code of conduct' compulsory for all federal employees of salary grades 12–23 with managerial functions and E-Gate access, as well as for all employees of salary grades 24–38, effective from 1 January 2017. The core group announced in its 2014–17 activity report that it would closely monitor the practical implementation of this decision by the CSG.

According to the information currently available to the core group, the e-learning module 'Corruption prevention and code of conduct' is still compulsory for the employees mentioned. The line managers and HR divisions of the departments can use the LMS learning platform to check whether the module has actually been completed. Since 2017, a total of 13,120 people have completed the module. Given that around 10,000 people at the Federal Administration fall within the relevant target groups, it is safe to conclude that module uptake is high.

In addition, individual members of the IDWG on Combating Corruption or the secretariat contributed to educational and training events for specific target groups, for example prospective diplomats (within the framework of the annual economic module provided by SECO). In April 2019, the FDFA renewed its guidelines on the role of the external network in tackling corruption. These not only deal with the prevention of corruption in the Federal Administration and elsewhere, but also provide advice to Swiss companies who face demands for bribes or feel disadvantaged by a foreign competitor's corrupt behaviour.

Until 2019, the prevention of corruption was addressed in the FOBL's basic course on procurement by speakers from fedpol. As part of the redesigned training course for the Federal Professional Examination 'Public Procurement Specialist with Federal Diploma', the FOBL has since 2020 provided all employees of the public-sector contractors of the Confederation, cantons and communes with an e-learning tool on compliance focusing on preventing corruption in public procurement. This online training course was developed in collaboration with fedpol and can be completed in around an hour.

As one of the central public sector procurement agencies, the Federal Roads Office (FEDRO) also conducts preventive work in the area of procurement, which is particularly susceptible to corruption: four to five times a year, it raises awareness among new employees on ethics and corruption prevention in general and with regard to FEDRO. Combating corruption is also a fixed part of the procurement training sessions that take place once or twice a year.

Finally, the IDWG on Combating Corruption publishes a monthly collection of press articles entitled 'Radar Korruption' to ensure its members have the necessary information and documentation. This periodical as well as the thematic events ensure that the IDWG's members can help raise awareness within their administrative units.

4.6 Raising awareness in the private sector

Preventing corruption is also part of the Federal Administration's efforts to strengthen corporate social responsibility (CSR). Preventing corruption was the topic of a sub-chapter in the OECD Guidelines for Multinational Enterprises and featured in the corresponding awareness-raising events, as well as being a focus point at the 2019 annual event of the Global Compact Network Switzerland.

In line with its mandate to implement the OECD Anti-Bribery Convention, SECO participated in 15 events organised either by or with the business community, raising awareness of the issue of international corruption among more than 400 employees of SMEs and banks. As part of the Compliance Roundtable, the FDFA and SECO remained in regular contact with the compliance officers of Swiss companies and with Transparency International Switzerland. SECO also participated in conferences and training sessions for public and private sector representatives from other countries (including Algeria and the Democratic Republic of the Congo).

The SECO website, which includes information on corruption prevention for companies, was updated and expanded in 2020. Following a recommendation by the core group, the FDFA also worked with the representations abroad to update the [list](#) of anti-corruption reporting offices. This is available to the public and in particular to all Swiss companies and private individuals wishing to report suspected instances of corruption abroad to the relevant local authorities.

5. Switzerland's work at the international level

Both at its meetings and within the core group, the IDWG on Combating Corruption regularly exchanged information on developments at the international level with the aim of coordinating Switzerland's positions in the various processes and forums at this level. Particular interest was paid to the intergovernmental peer reviews of the UN, OECD and Council of Europe, which examine the implementation of basic standards.

5.1 GRECO (Council of Europe Group of States against Corruption)

The Council of Europe Group of States against Corruption (GRECO) is an institution of the Council of Europe. Its 50 member states include all the member states of the Council of Europe, as well as the United States, Belarus and Kazakhstan. Switzerland joined automatically on 1 July 2006 after ratifying the Criminal Law Convention on Corruption (SR 0.311.55).

GRECO's objective is to improve the ability of its members to prevent and combat corruption by ensuring they respect the relevant norms and standards of the Council of Europe. It uses a mutual peer evaluation process to achieve this objective.

As part of the fourth evaluation round, Switzerland was assessed in December 2016 with regard to its measures for reinforcing the integrity of and preventing corruption in its Parliament, federal courts and the Office of the Attorney General of Switzerland. In its first follow-up report, which was adopted in March 2019, GRECO's assessment was that Switzerland had implemented five of the twelve recommendations it had made to the country in December 2016. Three other recommendations were viewed as partially implemented.

GRECO was particularly pleased at the implementation of the three recommendations regarding federal prosecutors. With regard to members of parliament, GRECO welcomed the plan by the offices of Switzerland's two chambers of parliament to create a single document detailing all the rights and obligations of members of parliament, complete with commentary and examples. Parliamentary commissions must now also publish additional information on their key documents. Members of Parliament must now include details on their professional activities in their declarations of interest. With regard to judges, no measures have been taken to reinforce the quality and objectivity of the recruitment process for judges in federal courts. Judges are

still allowed to contribute to political parties, even though the government has acknowledged that this practice poses problems with regard to the independence of the judiciary. The only progress GRECO noted with regard to the judiciary was the work of the Federal Supreme Court and, to a lesser extent, the Federal Criminal Court on creating a code of conduct for their judges.

In December 2020 Switzerland provided a new report on the additional measures taken with regard to the pending measures.

With regard to the third evaluation cycle, in June 2018 GRECO noted that no measures had been taken to implement its recommendations on the transparency of political party funding.

In June 2019 GRECO adopted a new follow-up report on Switzerland (the Sixth Interim Compliance Report), in which it observed that a parliamentary committee of the Council of States had prepared a preliminary draft law on the transparency of political party funding. GRECO believes that this draft law responds to the majority of the recommendations put forward in its 2011 evaluation report, although some points will require further work, for example the threshold from which transparency rules apply. Switzerland was therefore released from the non-compliance procedure it had been subject to for six years (since October 2013). In 2020, Switzerland provided new information on the legislative proposal's progress in Parliament.

5.2 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

On 31 May 2000, Switzerland ratified the OECD Convention of 17 December 1997 on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-Bribery Convention).¹⁶ A system of country monitoring is in place to examine whether the OECD Anti-Bribery Convention is being effectively implemented and applied in the signatory states.

In March 2018 Switzerland was assessed by its peers in the OECD working group on corruption as part of the fourth evaluation phase. The official report details the specific challenges Switzerland faces in this area and lists the progress made by Switzerland since the third evaluation phase in December 2011. The working group welcomed Switzerland's firm implementation of the convention, evidenced by the number of people and companies convicted of transnational corruption. It regretted that there was a limit of CHF 5 million to sanctions against legal entities, as this deprived the sanctions of the effective, proportionate and dissuasive character recommended by the convention. The working group requested that the prosecuted cases be more widely publicised in order to raise the profile of the punitive action taken by the authorities, and to make it more predictable and transparent. This is all the more important given the vast majority of transnational corruption cases are prosecuted out of court via summary penalty orders. With regard to detection, the working group welcomed the key role played by the MROS in the detection of transnational corruption. It noted that lawyers, notaries, accountants and auditors are not able to contribute to detection because they were not involved in the fight against the money laundering, as required by international standards. Finally, the working group regretted the absence of a legal and institutional framework for the protection of whistleblowers in the private sector and called for a reform in this area as soon as possible.

In October 2020, after two years of work, Switzerland presented the working group with its report, in which it outlined the measures it had taken to implement the recommendations put forward in the 2018 review. The working group acknowledged the work that had been done in these two years, including the effective implementation of 11 recommendations and the partial recommendation of 18 recommendations. It was pleased to note an increase in the means provided to the MROS, and therefore of its role in detecting transnational corruption. It also welcomed the adoption of the revised federal law on public procurement, as well as SECO's

¹⁶ The OECD Convention of 17 December 1997 on Combating Bribery of Foreign Public Officials in International Business Transactions has so far been signed by the 38 OECD member states and six other countries (Argentina, Brazil, Bulgaria, Peru, Russia and South Africa). It entered into force in Switzerland on 30 July 2000.

efforts to raise awareness among businesses of the bribery of foreign public officials. Based on the fact that 17 recommendations remained unimplemented, though, the working group believed that Switzerland had not made sufficient efforts. It regretted that Switzerland had failed to introduce a number of important reforms relating to the maximum fine applicable to legal entities, the protection of whistleblowers, conditions for those entitled to judicial mutual assistance, and accounting standards. It also regretted that the authorities did not follow up on a number of recommendations inviting them to define a particular concept more clearly (for example the notion of 'defective organisation', which allows for companies to be made liable) or improve the organisation of a practice (such as self-reporting or invoking extenuating circumstances when determining sanctions) in order to facilitate the implementation of the convention.

5.3 UNCAC (United Nations Convention against Corruption)

Switzerland ratified the United Nations Convention against Corruption (UNCAC) on 24 September 2009. It is the only universal anti-corruption instrument and has been signed by 187 contracting states. The UNCAC has broad thematic scope, containing provisions on Preventive measures (Chapter II), Criminalisation and law enforcement (Chapter III), International cooperation (Chapter IV) and Asset recovery (Chapter V).

The eighth session of the Conference of the States Parties (COSP) to the United Nations Convention against Corruption took place on 16-20 December 2019 in Abu Dhabi in the United Arab Emirates. The Swiss delegation focused on negotiations on asset recovery and co-sponsored two resolutions, one on the UNCAC review mechanism (with Israel) and one on the role of parliaments in the fight against corruption (with Pakistan). The Swiss delegation also used a brochure to draw attention to the contributions of Switzerland's development cooperation to the prevention of corruption.

It is in Switzerland's interest – not least in view of emerging trading partners in Asia, Africa and Latin America – that UNCAC standards are applied as widely and extensively as possible. Switzerland therefore supports the UNCAC review mechanism and was particularly committed to ensuring that the recommendations arising from the country reviews were evaluated and used as a basis for concrete reforms and improvements. In the preparatory process for the UN special session on corruption (4–6 June 2021), Switzerland focused strongly on the UNCAC and argued for recommendations to be as evidence-based as possible.

The second UNCAC review cycle in 2020–21 will examine whether Switzerland has fully and correctly implemented Chapter II (Preventive measures) and Chapter V (Asset recovery). Bangladesh and Sweden were chosen by lot as evaluators from among the states parties. As a first step, Switzerland submitted its self-survey on time and in full in September 2020. The next step will comprise an initial conference call involving all stakeholders, and the country visit to Switzerland by the evaluators. If possible, Switzerland aims to facilitate an in-person country visit, although this decision ultimately rests with the state party under review.

In its role as an evaluator in the second review cycle, Switzerland will work with South Africa on the evaluation of Malta and with Gambia on the evaluation of Benin. Only the final report is outstanding for Malta's country review; for the evaluation of Benin, the country visit has been pending for some time because of delays related to COVID-19.

5.4 Switzerland's other activities at the international level

G20 Anti-Corruption Working Group

Switzerland was again invited by the chair of the G20 to participate in the G20 Anti-Corruption Working Group (ACWG) in the period 2018–20. In the fight against corruption, the G20 leads by example. The ACWG is continually developing new (legally non-binding) standards that the group's members (but not its guests) are responsible for implementing. During the reporting

period, the G20 agreed on principles¹⁷ for dealing with conflicts of interest, protecting whistleblowers, and developing national anti-corruption strategies. The new standards focused on issues such as corruption in state-owned companies, in privatisation, and in public-private partnerships. The ACWG also dealt extensively with the risk of corruption in infrastructure development and in government pandemic response programmes. Switzerland was once again able to present its procedure for returning the proceeds of corruption; in October 2020 it also participated in the G20's first ministerial meeting on corruption.

Addis Ababa Process

The second international meeting of experts, focusing on asset recovery as a contribution to development financing, took place in Addis Ababa in May 2019. The meeting was funded by Switzerland and carried out by the UN. The aim of the meeting was to discuss successful approaches and restitutions, and to develop guidance and recommendations on best practices for returning assets. More than 80 experts from the north and south hemispheres participated, as well as representatives from international organisations. Despite the continuing divergences of opinion between the states making requests and the states receiving them, it was possible to adopt a final report containing extensive recommendations for establishing best practices.

Restitution instruments

During the reporting period, Switzerland signed a number of restitution instruments which have been incorporated into its anti-corruption work. In July 2018 Switzerland signed a memorandum of understanding with Kenya, the United Kingdom and Jersey (*Framework for the Return of Assets from Corruption and Crime in Kenya*) that provides a framework for the repatriation of stolen assets from partner states to Kenya. In January 2020 Switzerland signed a trilateral agreement with Turkmenistan and the United Nations Development Programme (UNDP) that provided for the return of around USD 1.3 million to Turkmenistan. In September 2020 it signed a memorandum of understanding with Uzbekistan that set out the principles and steps for returning confiscated assets. Finally, in December 2020 it signed a trilateral agreement with Peru and Luxembourg, returning around USD 16.3 million to Peru that will be used to fund Peruvian projects to strengthen the rule of law and combat corruption.

International Partnership Against Corruption in Sport

Switzerland is home to many international sports associations. It therefore has a strong interest in combating corruption in this part of the private sector, which is the subject of intense media scrutiny. Since December 2017 it has been actively involved in the International Partnership Against Corruption in Sport (IPACS). The governments of ten countries as well as international organisations, the International Olympic Committee and international sports associations work together within the framework of IPACS to develop recommendations on topics such as the selection of venues for major sporting events and the general good governance of sports associations. In doing so they promote reform efforts within sports associations without jeopardising their traditional autonomy. IPACS dates back to the London Anti-Corruption Summit in May 2016; in November 2020 the initiative gave itself a clearer structure but no fixed legal form.

¹⁷ High-Level Principles. The texts of the principles adopted can be viewed on the following website: https://www.bmjv.de/DE/Themen/G20/G20_node.html

6. Summary and outlook

With the development and adoption of the Federal Council's Anti-Corruption Strategy 2021–24, the IDWG on Combating Corruption fulfilled a fundamental part of its mandate for the reporting period and reached a significant milestone in the fight against corruption in Switzerland. The focus will now turn to the implementation of the strategy, which the IDWG will monitor and support. The IDWG will provide detailed information on this implementation and monitoring process in its next activity report.

Status of implementation of the IDWG core group's recommendations from its 2014–17 activity report

In its 2011–13 activity report, the IDWG core group presented ten recommendations to strengthen Switzerland's anti-corruption framework. In the subsequent activity report for the period 2014–17, the implementation status of these recommendations was presented alongside five new recommendations. The current implementation status of these recommendations is outlined below.

Recommendation 1: Lists of projects and programmes to combat corruption

"The IDWG core group recommends that the SDC and SECO periodically update the existing lists of their projects and programmes to combat corruption and make these lists available to the public."

The most recent update to the two lists of anti-corruption projects and programmes was in 2019. The lists are available on the websites of the [IDWG on Combating Corruption](#) and of the [SDC](#).

Recommendation 2: Focusing on at-risk groups and activities

"The IDWG core group recommends taking measures to increase awareness within specific at-risk groups and activities at the Federal Administration."

Under Measure 6 of the Federal Council's Anti-Corruption Strategy 2021–24, the IDWG on Combating Corruption is tasked with developing guidelines for identifying the roles within the Federal Administration most exposed to the risk of corruption. Awareness-raising measures can then be targeted specifically at these roles.

Recommendation 3: Raising awareness among SMEs

"The IDWG core group recommends that SECO continue its measures to build awareness among SMEs of the risks of corruption when doing business abroad."

SECO also worked during the reporting period to raise awareness among SMEs about the risks of corruption when doing business abroad – including during the 2020 pandemic year. For more on this, please refer to section 4.6 in the present activity report, 'Raising awareness in the private sector'.

Recommendation 4: Personnel continuity of the IDWG secretariat

"The IDWG core group recommends that the FDFA ensure personnel continuity at the secretariat of the IDWG on Combating Corruption."

Recommendation 4 was implemented in such a way that the position of the IDWG secretary, formerly a two-year role, was converted by the FDFA into a permanent contractual relationship as of April 2018.

Recommendation 5: Development of strategic and operational objectives

"The core group recommends that the Federal Council give a mandate to the IDWG on Combating Corruption to formulate strategic and operational objectives to prevent and combat corruption at the federal level."

For more on this, please refer to section 4.1 in the present activity report, 'The Federal Council's Anti-Corruption Strategy 2021–24'.

Annex 2

Mandate of the IDWG on Combating Corruption

In its decision of 25 April 2018, the Federal Council gave the Interdepartmental Group on Combating Corruption the following mandate:

1. Basis, duration and funding

- a. it is constituted on the basis of Article 55 of the Government and Administration Organisation Act (GAOA);
- b. it has been renewed for a fixed period of 10 years, which may be extended;
- c. it is funded from the budget of the FDFA.

2. Objectives and tasks

- a. it coordinates the anti-corruption activities of the Swiss Confederation, including positions taken at the international level;
- b. it closely monitors normative developments at the international level, recommendations made by international mechanisms and their implementation;
- c. it organises thematic workshops with the aim of training and raising awareness of the issue of corruption among all actors concerned (federal government, cantons, communes, business, civil society, experts);
- d. it defines best practices and disseminates them;
- e. it is tasked with formulating strategic and operational anti-corruption objectives at the federal level and will submit these for approval to the Federal Council by 31 March 2020;
- f. it submits a report to the Federal Council every three years on developments regarding corruption in Switzerland in the international context, as well as on its activities.

3. Composition

- a. the IDWG comprises those federal offices that are involved in the fight against corruption and the Office of the Attorney General; the FDFA chairs the IDWG and provides the secretariat;
- b. it establishes a small group (core group) to which operational tasks are assigned;
- c. it manages an information network on corruption in collaboration with the cantons (primarily through the Conference of the Cantonal Governments of Switzerland).