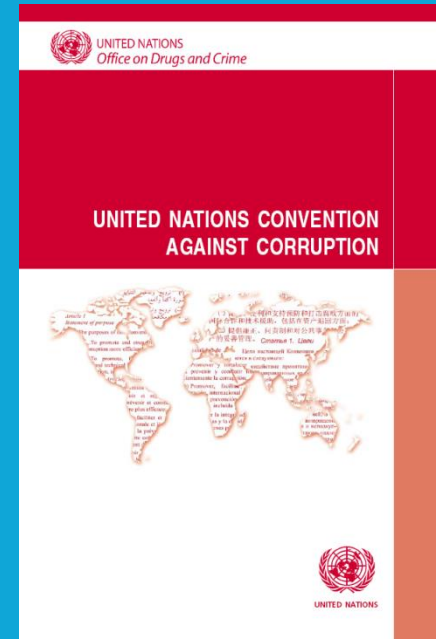




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The United Nations Convention against Corruption and its Review Mechanism





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1. General information related to the Convention
2. Decision-making bodies
3. Implementation Review Mechanism
4. Self-assessment checklist
5. Tools to assist in the reviews



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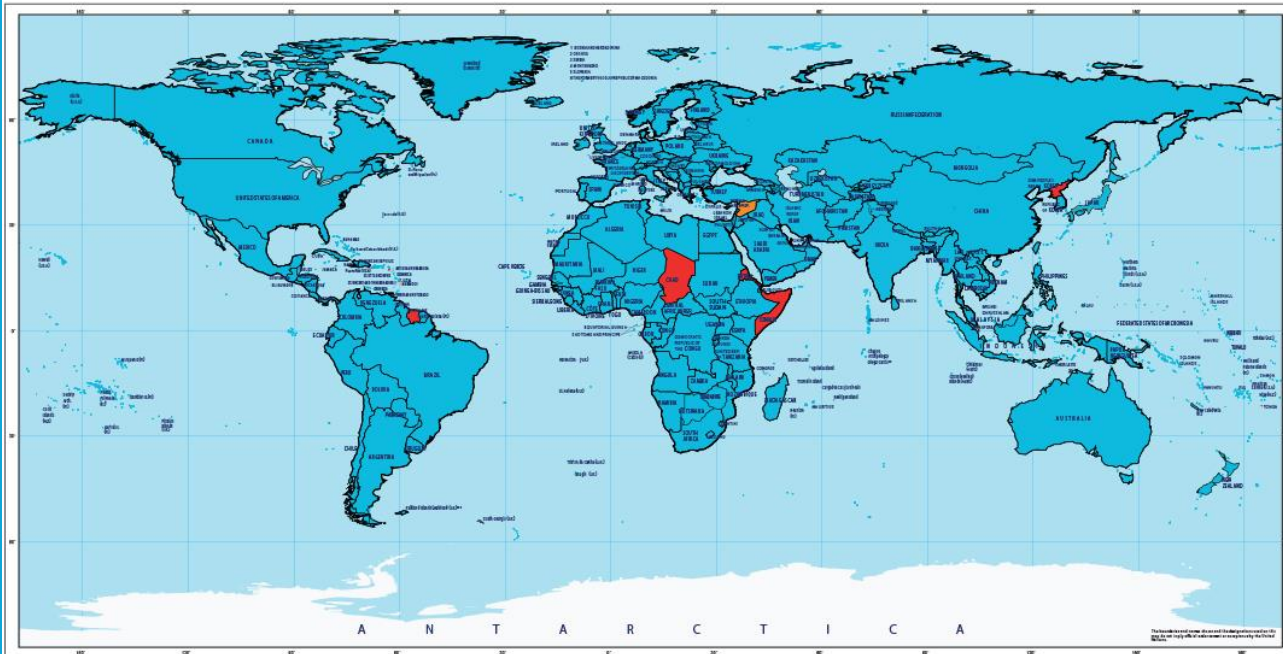
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The United Nations Convention against Corruption

Adopted by the General Assembly: Resolution 58/4, 31 October 2003

Entry into Force: 14 December 2005

UNCAC Signature and Ratification Status



-  States Parties
-  Signatories
-  Countries that have not signed or ratified the UNCAC

Signatories: 140

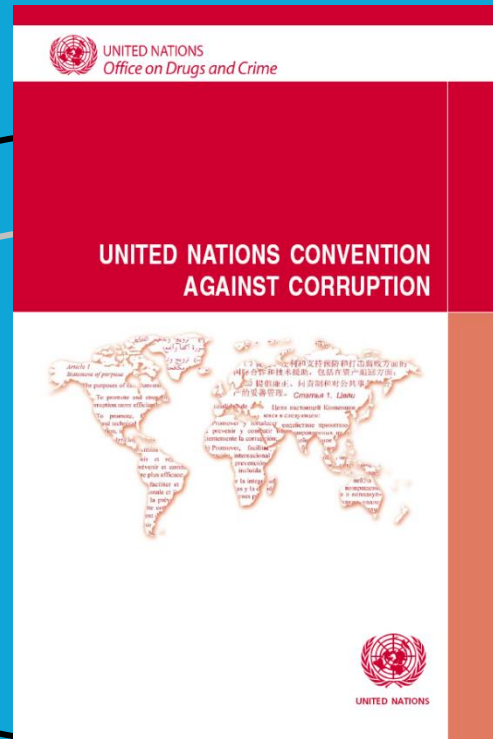
Parties: 186



The United Nations Convention against Corruption

Preventive measures

Criminalization and law enforcement



Asset recovery

International cooperation



Levels of obligation

1. Mandatory provisions

Each State Party shall disallow the tax deductibility of expenses that constitute bribes [...] (art. 12, para. 4)

2. Obligation to consider/endeavour to adopt

Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes [...] (art. 8, para. 6)

3. Optional provisions

Where appropriate, States Parties may also give special consideration to concluding agreements or mutually acceptable arrangements, on a case-by-case basis, for the final disposal of confiscated property (art. 57, para. 5).



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The Conference of the States Parties (art. 63)

Promote and review implementation

Make recommendations

Facilitate information exchange

CoSP 7
Nov. 2017
Austria

CoSP 6
Nov. 2015
Russian
Federation

CoSP 5
Nov. 2013
Panama

CoSP 4
Oct. 2011
Morocco

CoSP 3
Nov. 2009
Qatar

CoSP 2
Jan 2008
Indonesia

CoSP 1
Dec 2006
Jordan



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Subsidiary bodies to the Conference of the States Parties

➤ **Implementation Review Group**

➤ Open-ended Intergovernmental Working Group on Prevention

➤ Open-ended Intergovernmental Working Group on Asset Recovery

➤ Open-ended intergovernmental expert meetings to enhance international cooperation under the Convention





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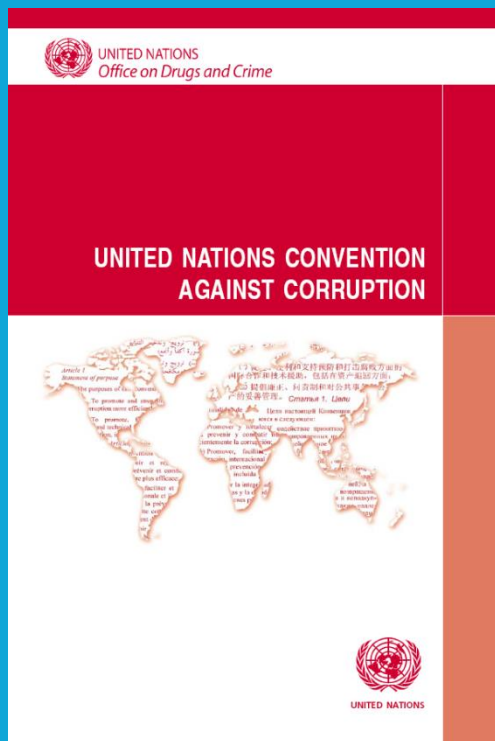
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The Implementation Review Mechanism

Art. 63, para. 7:

[...] the Conference of the States Parties shall establish, if it deems it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.





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Third session of the Conference of the States Parties Doha, from 9 to 13 November 2009

Resolution 3/1:

- Establishes the Implementation Review Mechanism
- Contains the terms of reference for the Mechanism
- Based on the outcome of the deliberations in the Implementation Review Group



Resolution 4/1: NGO briefing



Goals of the Mechanism: (para. 11, TORs)

- Assist States parties in their implementation of the Convention
- Help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance;
- Promote and facilitate international cooperation in the prevention of and the fight against corruption, including in the area of asset recovery;
- Promote and facilitate the exchange of information, practices and experiences gained in the implementation of the Convention;



Overview of the Terms of Reference

- Peer review process
- Drawing of lots for each year of the review cycle
- Each phase = two cycles of five years (2010-2015; 2016-2021)
 - ✓ First cycle: Chapters III (Criminalization and law enforcement); and IV (International cooperation)
 - ✓ Second cycle: Chapters II (Preventive measures); and V (Asset recovery)



Guiding principles

- Non adversarial/ non punitive/ no rankings
- Opportunity to share good practices and challenges
- Assist States in implementing the Convention
- Balanced geographical approach
- Technical/ Intergovernmental nature
- **Complement existing review mechanisms**
- Diversity of legal systems and levels of development
- Confidentiality



Stages of the review

- 1) Self-assessment
- 2) Desk review
- 3) Dialogue between State under review and reviewing States
- 4) Direct dialogue (country visit or joint meeting)
- 5) Final review report and executive summary

What is the timeframe?

Role of the Secretariat

Civil society





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Blueprint of country review reports

- (a) Summary of information relevant to reviewing the implementation of the article
- (b) Observations on the implementation of the article
- (c) Successes and good practices
- (d) Challenges, where applicable
- (e) Technical assistance needs





Model schedule for country reviews – Start: 29 June 2018

Within 3 weeks
(20 July)

State under review nominates focal point

Deadline for reviewing expert nominations: 6 July

Within 1 month
(29 July)

Secretariat organizes tele/videoconference:
•Submission of SACL
•Language of review
•Division of labour
•Active dialogue

Within 2 months
(29 August)

State under review submits self-assessment

Within 1 month
(29 September)

Secretariat circulates checklist to reviewing experts, after translation

Within 1 month
(29 October)

Reviewing experts submit outcome of the desk review

Dialogue: up to 2 months
(until 29 December 2018)

Secretariat organizes tele/video conference to introduce outcome of the desk review

State under review organizes direct dialogue, facilitated by secretariat (joint meeting or country visit)

Preferably within 5 months
(29 November)

Reviewers prepare draft country report assisted by secretariat, State under review agrees to final report, executive summary is prepared

Within 6 months
(29 December 2018)

End of review



Current statistics: 1st cycle

Self-assessments: 179 responses received.

All SPURs under review in years 1, 2 and 3 have submitted.

Year 4: 79 out of the 81 SPURs have submitted .

Direct dialogue

Of 184 SPURs, 171 included direct dialogue, only one State without. 158 country visits and 13 joint meetings held.

During country visits, overall trend of involvement of other stakeholders continuous with about 89% of States.

Outcome of the reviews

164 executive summaries available all languages.

81 States have requested the secretariat to post their full country review reports on the UNODC website.



Current statistics: 2nd cycle

29 States parties were drawn to be reviewed in the first year of the second cycle, 48 States parties in the second year and 36 States parties in the third year.

1st year:

All 29 focal points nominated; 25 out of 29 self-assessment checklists received; 19 country visits and one joint meeting held; 11 executive summaries and four country reports completed.

2nd year of the second cycle (started in July 2017):

All 48 focal point nominated; 33 of 48 self-assessment checklists received; 31 country visits held.

3rd year of the second cycle (started end June 2018): 31 of the 36 of the focal point nominated.



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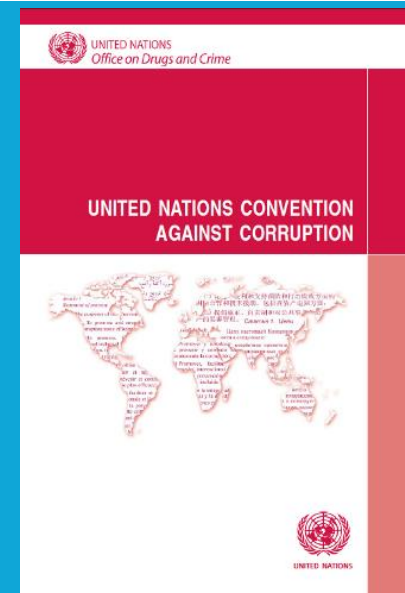
Looking forward

First cycle: moving towards completion

- 164 executive summaries now completed and available
- More are nearing finalization

Second cycle: Prevention and Asset Recovery

- Launch of 2nd cycle – start of reviews: 4 July 2016
- Development of expertise and good practices in these areas
- Lessons learned from first cycle





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The self-assessment checklist



Used in the first cycle

Adapted for the second cycle and approved by the Implementation Review Group in June 2016

Parts to be answered: General information, chapters II and V

Available for download from our website:

<http://www.unodc.org/unodc/en/treaties/CAC/self-assessment.html>

Also available:

- Self-assessment checklist as PDF document
- Guidance notes



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Question flow in the self-assessment checklist



1. Is your country in compliance with this provision?

Yes/Yes, in part/No

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.



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Documents for the Review Mechanism

- Convention
- COSP resolutions
- Terms of Reference of the Review Mechanism
- Guidelines for Governmental experts and the Secretariat
- Blueprint for country review reports and executive summaries
- Guidance document for filling in self-assessment checklist



Executive Summaries and other documents available on UNODC Website:
<http://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html>

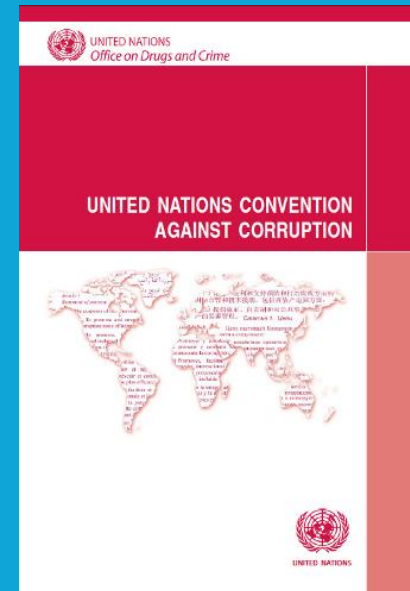


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Additional resources:

- Travaux préparatoires
- Legislative Guide
- Technical Guide
- State of implementation report
- Additional tools
 - (e.g. art. 11, StAR Initiative documents)





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<http://www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html>