

28 October 2009

English only

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**Third Session**

Doha, 9-13 November 2009

Item 2 of the provisional agenda\*

**Review of the implementation of the United Nations  
Convention against Corruption**

**Development of the comprehensive self-assessment checklist  
for the United Nations Convention against Corruption**

**Background paper prepared by the Secretariat**

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\* CAC/COSP/2009/1.

V.09-87464 (E)



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## I. Introduction

1. Different means are being utilized by Secretariat bodies to collect information on States' efforts to implement international treaties. One such means is the paper-based questionnaire. Until as recently as 2006, the United Nations Office on Drugs and Crime (UNODC) too utilized paper-based questionnaires to gather information on States' implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.<sup>1</sup> However, experience has shown that those questionnaires presented a number of shortcomings affecting almost all stages of the reporting exercise. Firstly, questionnaires were often filled out by hand, which sometimes made answers difficult to understand and the information provided difficult to process. Secondly, it was repeatedly pointed out that while the obligation to report on efforts to implement the Organized Crime Convention and its Protocols rested with States, the reporting task had to be distributed among a variety of officials depending on the substantive matters to be report upon and in accordance with the domestic division of institutional competencies. The inability of collating the different parts of paper-based questionnaires generated by different officials often led to the submission of partial or incomplete questionnaires to UNODC. An additional problem was that, once filled out, questionnaires were usually transmitted to UNODC by facsimile, a medium that further compromised the completeness and legibility of the information submitted. Moreover, paper-based reports on domestic compliance with those treaties, while allowing for a sound narrative analysis, were not conducive to the generation of graphic representations to complement such analysis. In essence, the medium utilized to gather information on compliance with the Organized Crime Convention and its Protocols made it difficult for UNODC to provide the Conference of the Parties to the United Nations Convention against Transnational Organized Crime with readily actionable information.

2. Another challenge often reported by parties to the Organized Crime Convention related to the obligation to also report on a number of other treaties. The expression "questionnaire fatigue" was coined to describe this challenge.

3. These factors combined led to a low rate of response to the questionnaires designed to assess States' compliance with the Organized Crime Convention and its Protocols, thereby affecting the ability of the Conference of the Parties to conduct deliberations based on evidence.

## II. The self-assessment checklist on the implementation of the United Nations Convention against Corruption

4. With the entry into force of the United Nations Convention against Corruption<sup>2</sup> in December 2005, the need to address the issues described above and explore alternative solutions become more acute. As a result, at its first session, held in Amman from 10 to 14 December 2006, the Conference of the States parties to the United Nations Convention against Corruption decided, in its resolution 1/2, that a self-assessment checklist should be used as a tool to facilitate the provision of

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<sup>1</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>2</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

information on implementation of the Convention, thus departing from the questionnaire-based approach. In the same resolution, the Conference requested UNODC to finalize a self-assessment checklist using as a model the draft self-assessment checklist contained in document CAC/COSP/2006/L.3, in consultation with and reflecting input from States parties and signatories.

5. Pursuant to that resolution, UNODC, in cooperation with the International Centre for Criminal Law Reform and Criminal Justice Policy in Canada and Northeastern University in the United States of America, developed the self-assessment checklist on the implementation of the Convention. The self-assessment checklist was embedded in a computer-based application in order to profit from modern information and communication technologies. Following consultations with States parties, signatories and relevant experts at a meeting held in Vancouver, Canada, in March 2007, the software package containing the self-assessment checklist was finalized and distributed to States parties and signatories on 15 June 2007.

6. The advantages of a computer-based application are several. First, national officials with different institutional responsibilities and expertise can provide responses for separate parts of the report. Once responses for each part have been provided, the application makes it possible to merge them into a single national self-assessment report, which is then transmitted to UNODC electronically, thus ensuring uniformity, legibility and completeness of the information provided.

7. Once self-assessment reports are received by UNODC, the information they contain is entered into an electronic database, thus allowing for the generation of visual representations, such as graphic pie charts and histograms. In turn, this enables the Conference to receive and act upon readily available information.

8. At its second session, held in Nusa Dua, Indonesia, from 28 January to 1 February 2008, the Conference welcomed the development of the self-assessment checklist and its effective use to compile initial information on the implementation of several articles of the Convention (Conference resolution 2/1). The Conference requested UNODC to explore the option of modifying the self-assessment checklist to create a comprehensive information-gathering tool that might serve as a useful starting point for collecting implementation information in any future reviews.

9. At the time of writing the present paper, 84 of 141 States parties had completed and submitted to UNODC their self-assessment reports on the implementation of the Convention. The response rate had reached an unprecedented 60 per cent. Detailed information on compliance by States and on technical assistance needs identified by States are contained in document CAC/COSP/2009/9 and Add.1. The analysis presented in those reports, complemented by pie charts, was greatly facilitated by the use of the computer-based self-assessment checklist.

### **III. The self-assessment checklist on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

10. At its third session, held in Vienna from 9 to 18 October 2006, the Conference of the Parties to the Organized Crime Convention expressed its concern about the

low rate of response to the questionnaires on the implementation of the Convention and the Protocols thereto. Also in its decision 3/1, the Conference requested UNODC to develop a sample format for the voluntary provision of supplementary information on the implementation of the Convention and to explore all possibilities of using modern information technology and web-based applications, with a view to ensuring maximum efficiency and effectiveness.

11. Pursuant to Conference decisions 2/6 and 3/4, the Open-ended Interim Working Group of Government Experts on Technical Assistance held a meeting in Vienna from 3 to 5 October 2007, at which it requested UNODC to develop immediately an efficient and user-friendly information-gathering tool in the form of an interim computer-based checklist and to begin developing comprehensive software-based information-gathering tools (CTOC/COP/2008/7). UNODC fulfilled its mandate and the checklist on the implementation of the Organized Crime Convention and the Protocols thereto was distributed to States parties and signatories on 21 May 2008.

12. At its fourth session, held in Vienna from 8 to 17 October 2008, the Conference of the Parties took note with satisfaction of improved information-gathering efforts since its third session, particularly the decision of the Working Group to develop a user-friendly checklist and the ongoing efforts of UNODC to develop a computer-based self-assessment tool (decision 4/1).

#### **IV. The omnibus survey software**

13. Acting upon the mandates received from both conferences, UNODC started developing a comprehensive, computer-based self-assessment checklist to elicit information on all five crime-related treaties supported by UNODC. In developing the tool, which has come to be known as the omnibus survey software, considerable emphasis was placed on the identification of technical assistance needs that, if met, would enable reporting States to better comply with the provisions of the treaties.

14. Taking into account that many of these treaties' provisions are similar, the omnibus survey software contains cross-references designed to alert responders of such similarities and thus spare them from duplicating efforts. Thus, information that is relevant for more than one treaty can be provided once and then be imported to parts eliciting similar information for other treaties.

15. Furthermore, the omnibus survey software contains cross-references to 67 crime-related and six corruption-related international instruments not supported by UNODC. These cross-references alert responders to the fact that information necessary to meet reporting obligations on the Convention against Corruption and the Organized Crime Convention might already have been collected under the reporting scheme of another treaty and, if relevant, can be utilized to complete the self-assessment reports for UNODC. To validate the cross-reference exercise, on 24 April 2009 UNODC consulted with the Secretaries of the African Union Convention on Preventing and Combating Corruption, the Council of Europe: Criminal Law Convention on Corruption and Civil Law Convention on Corruption, the Organization of American States Inter-American Convention against Corruption, the Organization for Economic Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the 40 Financial

Actions Task Force Recommendations and the 9 Special Financial Actions Task Force Recommendations. The Secretariats of the Council of Europe Criminal Law Convention on Corruption and Civil Law Convention on Corruption, the Secretariat of the Organization of American States Inter-American Convention against Corruption and the Secretariat of the Organization for Economic Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions responded to UNODC on 8 June, 30 July and 8 July 2009 respectively, confirming the accuracy of the cross-reference exercise.

16. To validate the approach and methodology adopted by UNODC in the development of the omnibus survey software, the Office embarked upon a broad consultation process. The contents and functionalities of the omnibus survey software were reviewed by relevant international experts three times between March 2008 and September 2009.<sup>3</sup> In March 2009, UNODC invited States to test the application on a voluntary basis, in the hope that at least 15 States (ideally, three per regional group) would respond. Thirty-seven States parties and signatories to the Convention against Corruption responded to the call and tested the software between March and June 2009.<sup>4</sup>

17. Following these broad-based consultations and the incorporation of comments received, the omnibus survey software will be presented to the Conference of the States parties at its third session, in accordance with Conference resolution 2/1.

## V. The way forward

18. The Conference may wish to take into account that the omnibus survey software was developed in English only. Should the Conference endorse the tool, States parties to the Convention will be able to use it immediately. Resources will have to be secured and time will have to be allowed, however, for the software to be made available in all six official languages of the United Nations.

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<sup>3</sup> The software was reviewed at meetings held in Vancouver, Canada, from 15 to 18 March 2008, in Vienna, on 23 and 24 February 2009 and in Toronto, Canada, on 28 September 2009.

<sup>4</sup> Algeria, Argentina, Austria, Bahrain, Brazil, Burkina Faso, Comoros, Djibouti, Egypt, Finland, Greece, Iraq, Jordan, Kuwait, Latvia, Lebanon, Libya, Liechtenstein, Mauritania, Morocco, Nigeria, Peru, Philippines, Qatar, Romania, Rwanda, Saudi Arabia, South Africa, Sudan, Syria, Thailand, Tunisia, United Arab Emirates, United States of America, Uganda, Uruguay and Yemen.