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to the United Nations
Convention against Corruption**

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Technical assistance

**Analysis of technical assistance needs emerging from the
country reviews**

Note by the Secretariat

Summary

The present note contains information on the technical assistance needs identified by States parties in the context of country review processes relating to the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the United Nations Convention against Corruption.¹

* CAC/COSP/IRG/2014/1.

¹ The information contained in the present note provides an update to document CAC/COSP/2013/5, based on the additional country reviews completed since the time of submission of that document. Reference is also made to document CAC/COSP/IRG/2014/2, on technical assistance delivered in support of the implementation of the United Nations Convention against Corruption.



I. Introduction

1. In its resolution 3/1, the Conference of the States Parties to the United Nations Convention against Corruption adopted the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. The Conference decided that the Implementation Review Group of the Convention would be in charge of following up and continuing the work of the Open-ended Intergovernmental Working Group on Technical Assistance. Pursuant to paragraph 11 of the terms of reference, one of the goals of the Review Mechanism is to help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance. In accordance with paragraph 44 of the terms of reference, the Review Group is tasked with considering technical assistance requirements in order to ensure effective implementation of the Convention.

2. In its resolution 4/1, the Conference recommended that all States parties, where applicable, in their responses to the comprehensive self-assessment checklists and in the country reports, should identify technical assistance requirements, preferably prioritized and related to the implementation of the provisions of the Convention examined during a given review cycle, and decided that the Review Group should consider, on the basis of the outcome of the review process and consistent with the terms of reference of the Review Mechanism, priority areas for the provision of technical assistance, as well as consolidated information on trends in requirements for and provision of technical assistance.

3. The present note contains updated information on technical assistance needs identified in the country reviews for the implementation of chapters III and IV of the Convention by States parties under review in the first cycle of the Review Mechanism. It is based on information included in the country review reports and the executive summaries of the reviews of 56 States parties that had been completed, or were close to completion, at the time of drafting. Of the additional 12 States that had completed their reviews, five identified technical assistance needs. The analysis of needs per article of the Convention under review has not significantly changed since the analysis that was presented to the Conference.

4. Of the 56 States parties included in the review process and covered in the present note, 34 identified technical assistance needs for the implementation of chapter III of the Convention. These included 10 States parties from the Group of African States, 13 from the Group of Asian and Pacific States, four from the Group of Eastern European States and seven from the Group of Latin American and Caribbean States (see figure I). A total of 29 States parties identified technical assistance needs for the implementation of chapter IV of the Convention. These included seven from the Group of African States, 11 from the Group of Asian and Pacific States, eight from the Group of Eastern European States and three from the Group of Latin American and Caribbean States (see figure II).

Figure I
Number of States with technical assistance needs, by region

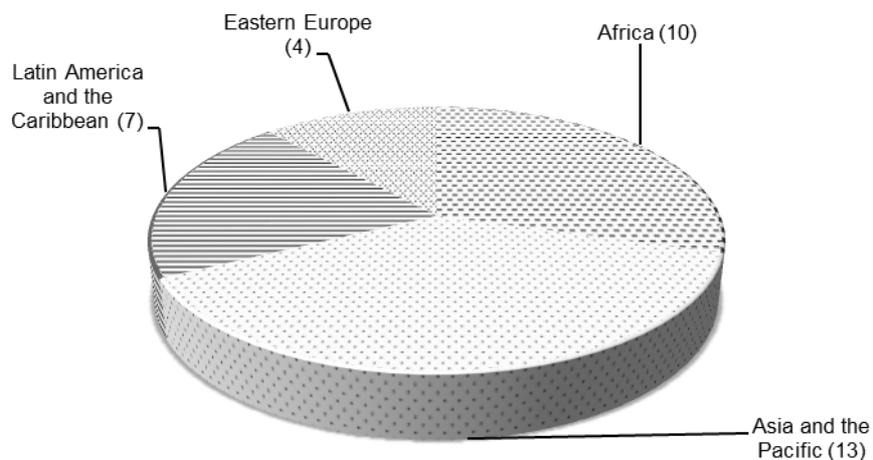
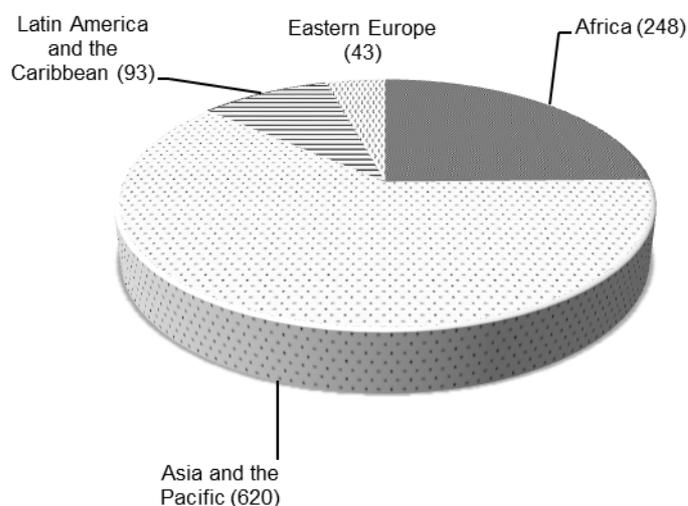


Figure II
Number of technical assistance needs identified, by region

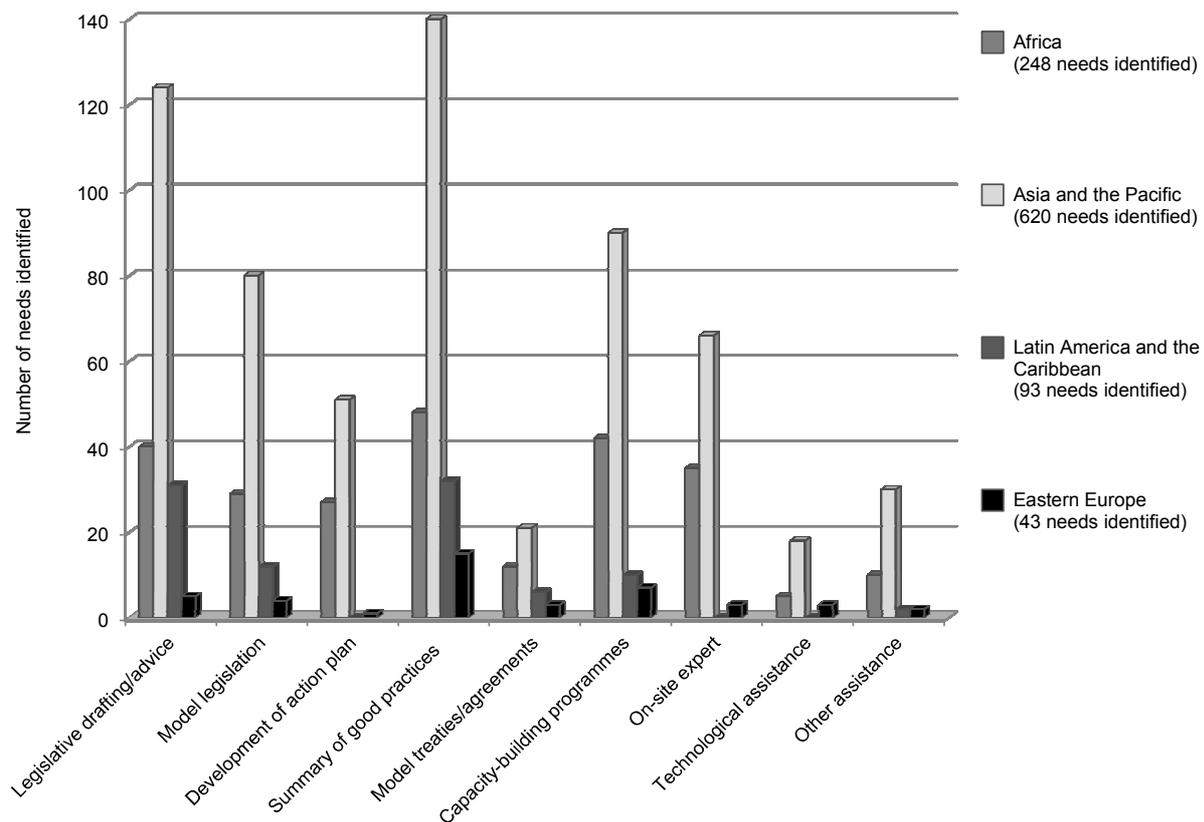


Note: Total equals 1,004.

5. The comprehensive self-assessment checklist contains several predetermined categories of technical assistance needs: legislative drafting and legal advice; model legislation; development of an implementation action plan; a summary of good practices or lessons learned; model treaties or agreements; capacity-building programmes; assistance by an on-site expert; technological assistance; and a catch-all category for other assistance. Many of the needs identified during the country review processes fall within these broad categories, but broader needs are

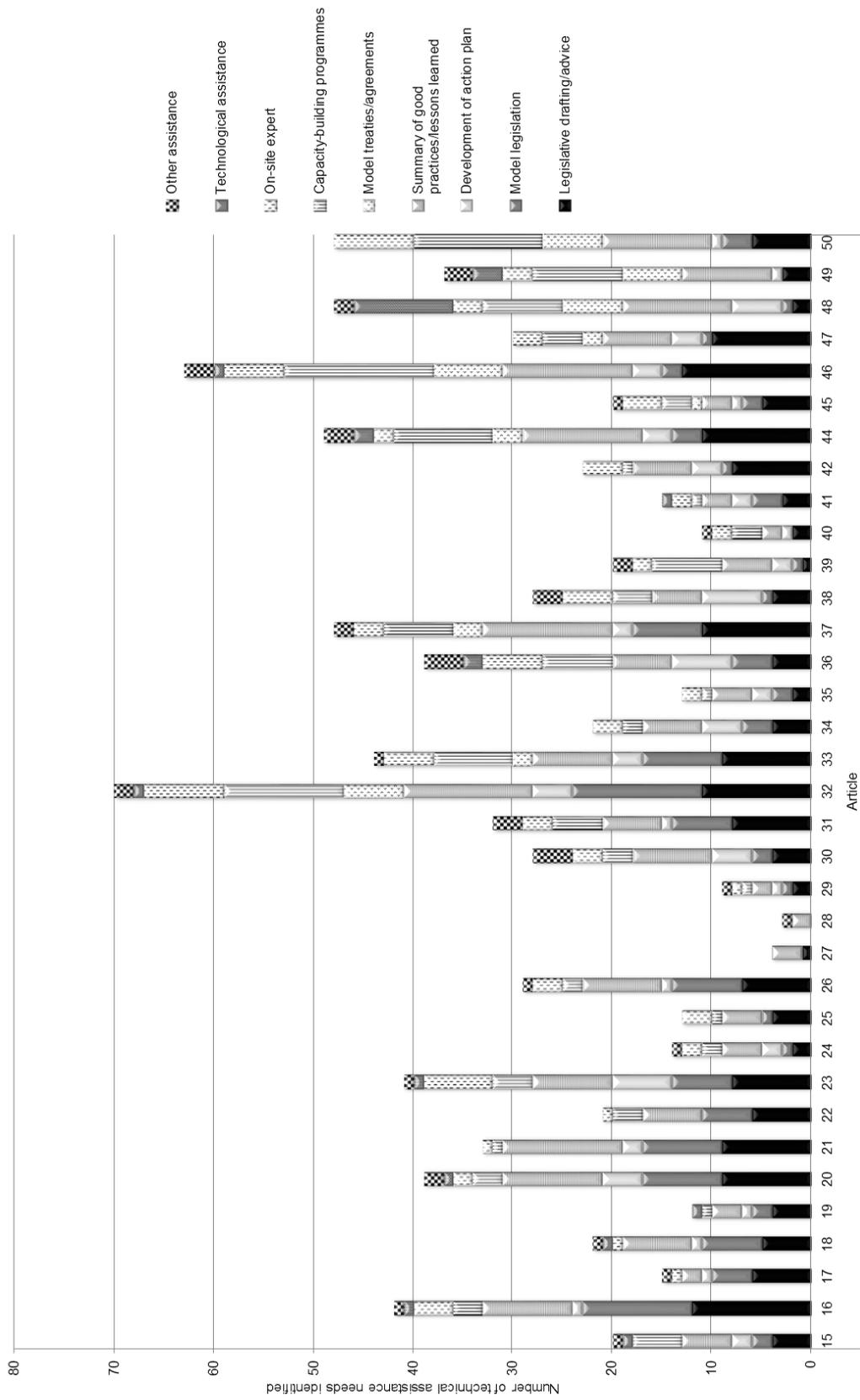
also reflected in the country review reports and executive summaries. Figure III below provides a breakdown of the categories of needs by region. As more country review reports are finalized, it will be increasingly possible to establish trends relating to technical assistance needs on a regional basis, as the sample of States becomes proportionate to the relative size of the regional groups, even though there was disparity within regions regarding needs identified during the review process.

Figure III
Number and types of need identified, by region



6. Figure IV below provides an overview of the number of different types of need identified by States parties for all articles of the chapters under review. With the new sample of States included in the present update, there was an increase in the number of States identifying seven or more types of need relating to the following articles: 31 (Freezing, seizure and confiscation), 33 (Protection of reporting persons), 34 (Consequences of acts of corruption), 44 (Extradition) and 50 (Special investigative techniques). Of the five additional States for which technical assistance needs were identified in their country review reports, four had needs identified under specific articles in chapter III and three had needs identified under specific articles in chapter IV. One State did not specify needs relating to the articles under review, expressing instead a general need for capacity-building and legislative assistance.

Figure IV
 Technical assistance needs identified by States parties, by article number



II. Technical assistance needs identified for the implementation of chapter III

7. A total of 710 technical assistance needs were identified for the implementation of chapter III. Table 1 and figure V provide a breakdown by article of the total number of needs identified and the number of States parties for which each type of need was identified.

8. For eight articles in chapter III, there was an overall correlation between the identification of a high number (more than 30) of challenges relating to implementation and the identification of a high number (more than 30) of technical assistance needs. These were articles 16 (Bribery of foreign public officials and officials of public international organizations), 20 (Illicit enrichment), 23 (Laundering of proceeds of crime), 31 (Freezing, seizure and confiscation), 32 (Protection of witnesses, experts and victims), 33 (Protection of reporting persons), 36 (Specialized authorities) and 37 (Cooperation with law enforcement authorities).

9. There were four articles for which more than 30 challenges but fewer than 30 technical needs were identified: articles 15 (Bribery of national public officials), 18 (Trading in influence), 30 (Prosecution, adjudication and sanctions) and 42 (Jurisdiction). Only with regard to article 21 (Bribery in the private sector) were more than 30 technical assistance needs but fewer than 30 challenges identified.

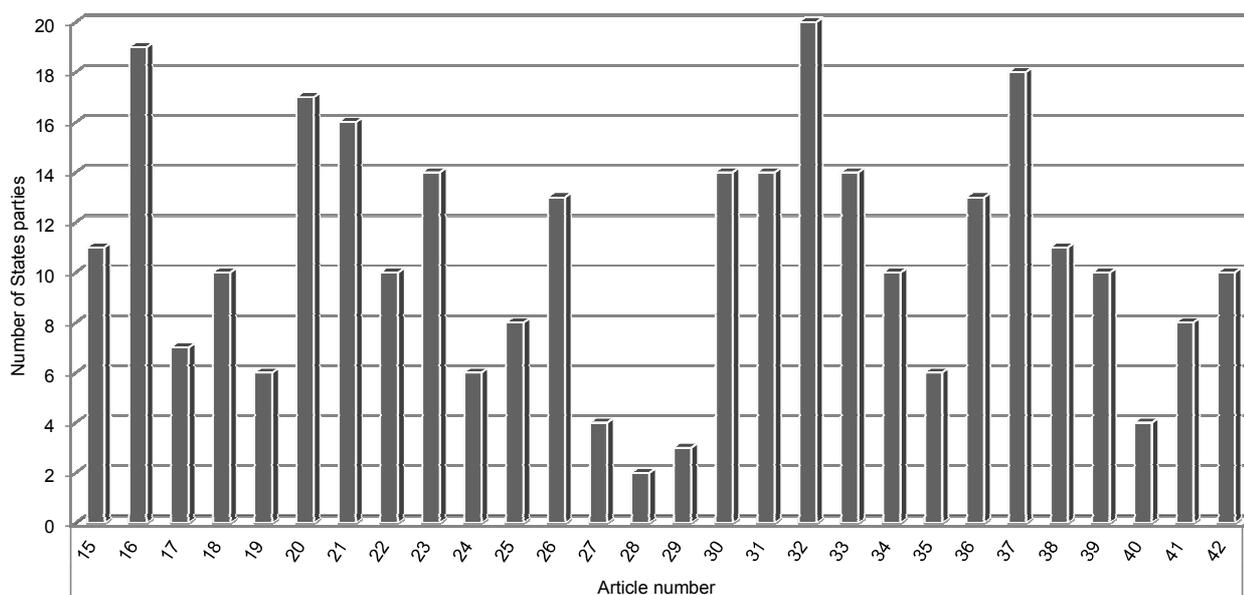
Table 1

Technical assistance needs under chapter III of the Convention

<i>Article</i>	<i>Number of States parties</i>	<i>Number of needs</i>
15	11	20
16	19	42
17	7	15
18	10	22
19	6	12
20	17	39
21	16	33
22	10	21
23	14	41
24	6	14
25	8	13
26	13	29
27	4	4
28	2	3
29	3	9
30	14	28
31	14	32
32	20	70
33	14	44
34	10	22
35	6	13

Article	Number of States parties	Number of needs
36	13	39
37	18	48
38	11	28
39	10	20
40	4	11
41	8	15
42	10	23

Figure V
Number of States parties identifying technical assistance needs, by article



10. The following paragraphs provide an update to the analysis of specific articles for which there were changes owing to the larger number of States and identified needs resulting from the completion of the additional country reviews. The samples below are presented with a regional breakdown.

Bribery of foreign public officials and officials of public international organizations

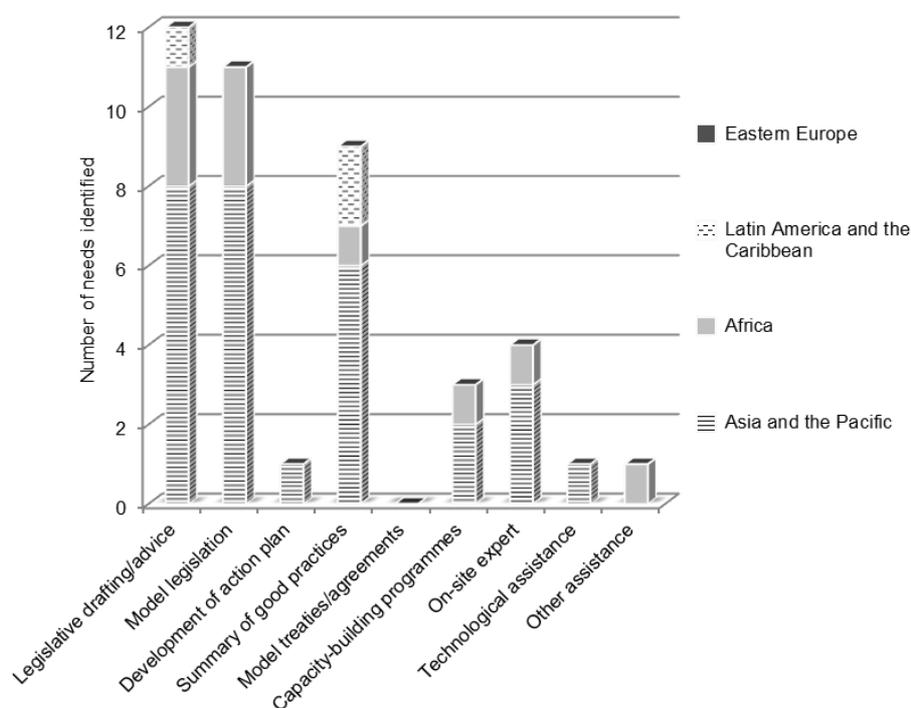
Technical assistance needs relating to article 16

11. A total of 19 States parties identified 42 needs for technical assistance to support the implementation of article 16. Details of the main types of need are given in table 2 and figure VI.

Table 2
Technical assistance needs relating to article 16

<i>Type of need</i>	<i>Number of States parties</i>
Legislative drafting and legal advice	12
Model legislation	11
Summary of good practices/lessons learned	9
On-site expert	4
Capacity-building programmes	3
Development of an implementation action plan	1
Technological assistance	1
Other assistance	1
Total	42

Figure VI
Technical assistance needs relating to article 16, by region



12. The implementation of article 16 was considered as among the most challenging for States, specifically with regard to the absence of a criminal offence of bribery of foreign public officials and officials of public international organizations or the category of individuals covered by such an offence, as well as coverage for third persons and entities. This provision had one of the highest number of States under review identifying technical assistance needs for its implementation, correlating with the challenges faced in establishing a legal framework in that regard. In terms of regional analysis, States in and Pacific region

had the greatest number of identified needs, mostly relating to their legal frameworks.

Bribery in the private sector

Technical assistance needs relating to article 21

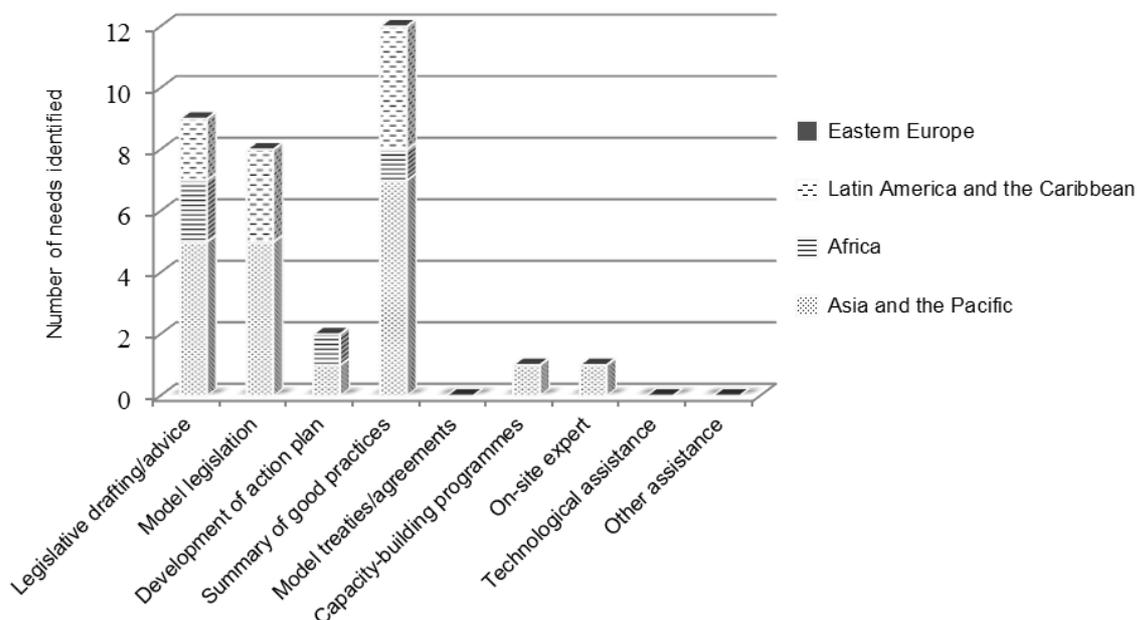
13. A total of 16 States parties identified 33 needs for technical assistance to support the implementation of article 21. Details of the types of need are given in table 3 and figure VII.

Table 3
Technical assistance needs relating to article 21

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	12
Model legislation	8
Legislative drafting and legal advice	9
Development of an implementation action plan	2
On-site expert	1
Capacity-building programmes	1
Total	33

Figure VII

Technical assistance needs relating to article 21, by region



14. As noted above, article 21 accounted for a fairly high number of technical assistance needs, but a low number of challenges, identified by States for its implementation. Analysis of the types of need identified, namely a summary of good practices and lessons learned, as well as model legislation, may indicate that States

are seeking to improve or enhance their implementation of this article. In terms of regional analysis, a significantly larger number of States from the Latin American and Caribbean region identified needs with regard to the implementation of this article.

Freezing, seizure and confiscation

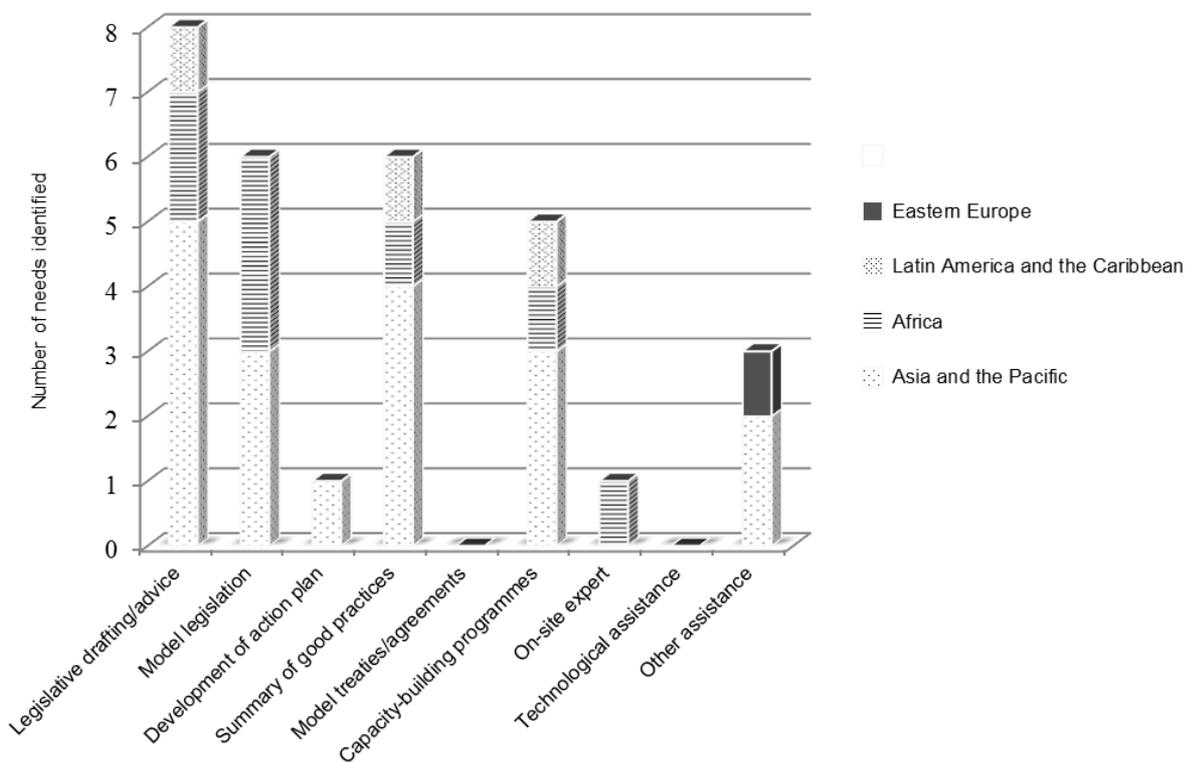
Technical assistance needs relating to article 31

15. A total of 14 States parties identified 32 needs for technical assistance to support the implementation of article 31. Details of the main types of need are given in table 4 and figure VIII.

Table 4
Technical assistance needs relating to article 31

<i>Type of need</i>	<i>Number of States parties</i>
Legislative drafting and legal advice	8
Summary of good practices/lessons learned	6
Model legislation	6
Capacity-building programmes	5
Other assistance	3
On-site expert	2
Development of an implementation action plan	1
Total	32

Figure VIII
Technical assistance needs relating to article 31, by region



16. Several challenges relating to the implementation of article 31 were prevalent among States, and correlated with the number of States identifying technical assistance needs. Those needs reflected challenges with regard to legal frameworks and needs with regard to capacity-building. One State in the updated sample noted the need for on-site assistance relating to asset tracing, value-based confiscation and illicit enrichment.

Protection of witnesses, experts and victims

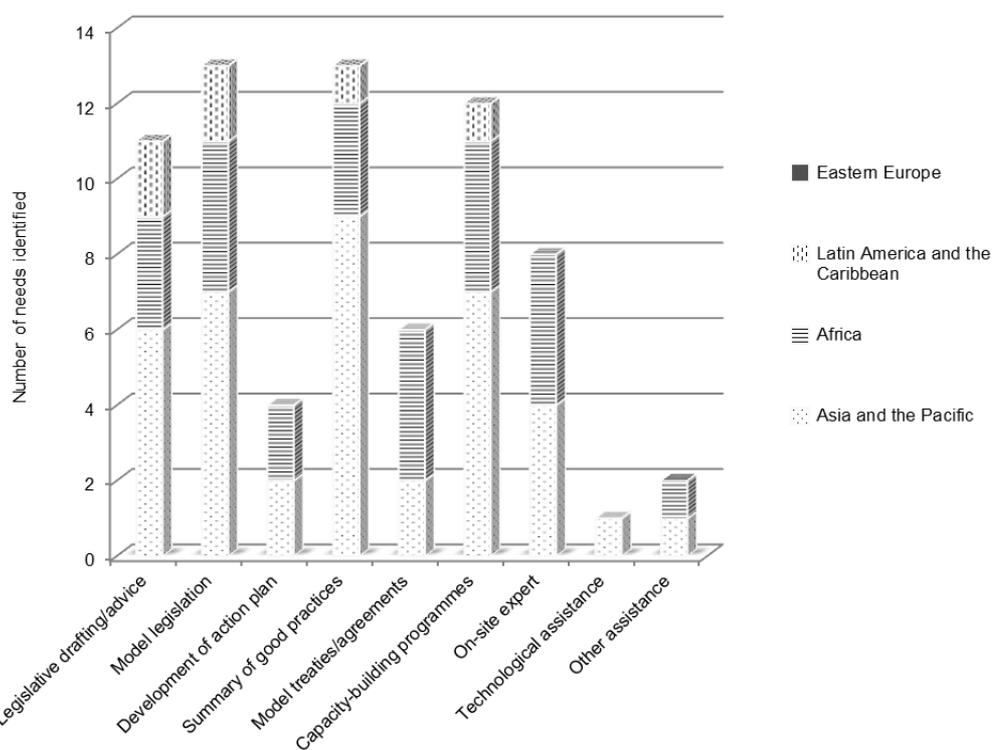
Technical assistance needs relating to article 32

17. A total of 20 States parties identified 70 needs for technical assistance to support the implementation of article 32. Details of the types of need are given in table 5 and figure IX.

Table 5
Technical assistance needs relating to article 32

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	13
Model legislation	13
Legislative drafting and legal advice	11
Capacity-building programmes	12
On-site expert	8
Model treaties/agreements	6
Development of an implementation action plan	4
Other assistance	2
Technological assistance	1
Total	70

Figure IX
Technical assistance needs relating to article 32, by region



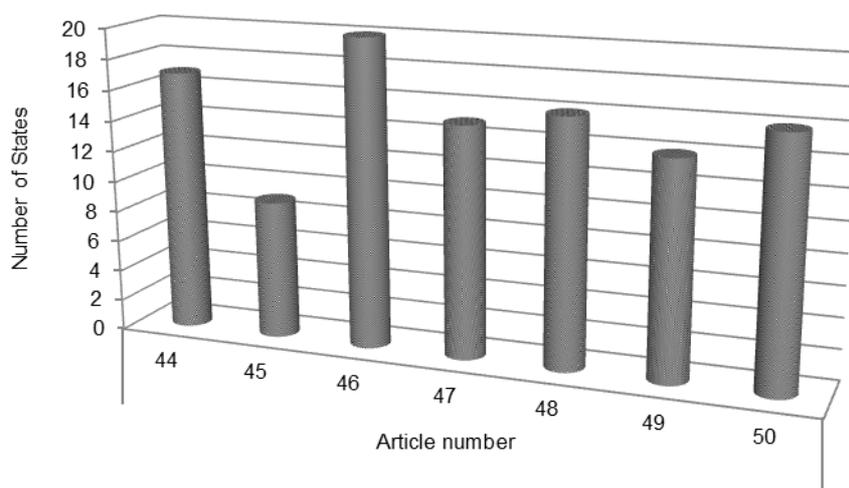
18. Of the provisions under review, article 32 was the article with the largest number of States parties identifying technical assistance needs for its implementation, in a wide variety of types and across three regional groups. Several States identified the need to establish, strengthen and manage witness and expert protection programmes, with capacity-building for the relevant authorities. This trend may demonstrate the interest of a large number of States in putting in place such measures in the future.

III. Technical assistance needs identified for the implementation of chapter IV

19. Of the 56 States parties covered in the present note, 29 identified technical assistance needs for the implementation of chapter IV of the Convention (for a breakdown by article, see figure X below).

Figure X

Number of States identifying technical assistance needs, by article



20. In total, 294 technical assistance needs were identified with regard to chapter IV. Table 6 and figures XI and XII provide a breakdown, by article and by region, of the number of needs identified and the number of States for which such needs were identified.

Table 6

Technical assistance needs under chapter IV of the Convention

<i>Article</i>	<i>Number of States parties</i>	<i>Number of needs</i>
44	15	49
45	8	20
46	18	63
47	13	30

<i>Article</i>	<i>Number of States parties</i>	<i>Number of needs</i>
48	13	48
49	12	37
50	13	48

Figure XI
Number of States with technical assistance needs under chapter IV, by region

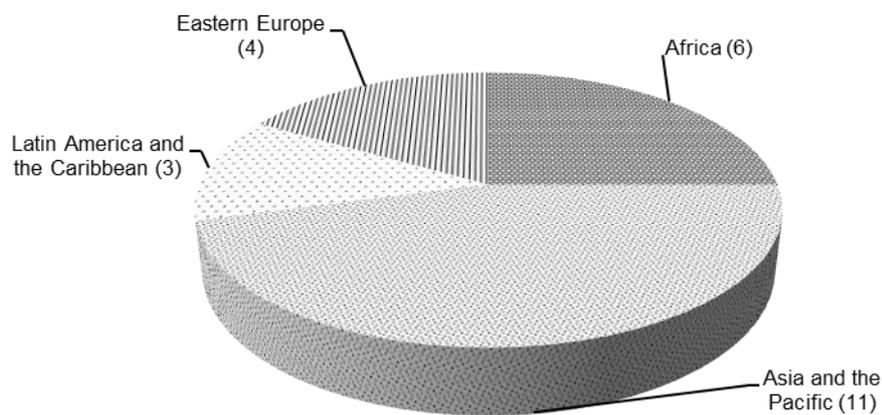
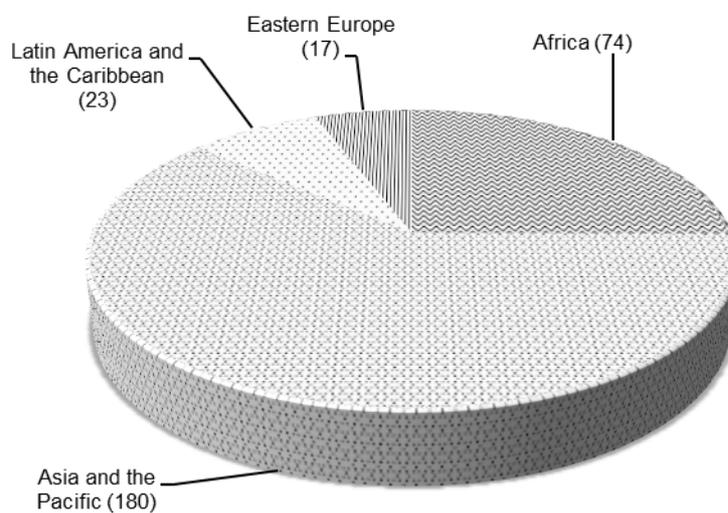


Figure XII
Number of technical assistance needs under chapter IV, by region



Extradition

Technical assistance needs relating to article 44

21. A total of 49 technical assistance needs were identified by 17 States with regard to the implementation of article 44 (see table 7 and figure XIII).

22. These needs correlate with the challenges outlined by States, in particular concerning legal frameworks and difficulties in gathering data and statistics. Capacity-building was also identified by a large number of States.

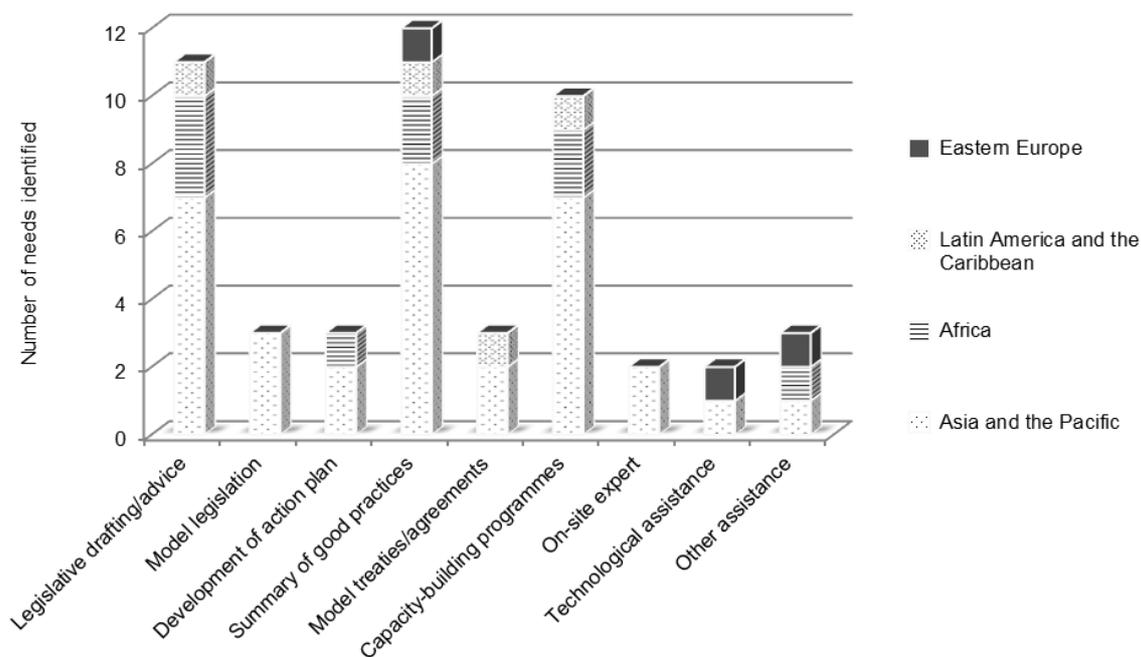
Table 7

Technical assistance needs relating to article 44

Type of need	Number of States parties
Summary of good practices/lessons learned	12
Legislative drafting and legal advice	11
Capacity-building programmes	10
Model legislation	3
Development of an implementation action plan	3
Other assistance	3
Technological assistance	2
On-site expert	2
Model treaties and agreement	3
Total	49

Figure XIII

Technical assistance needs relating to article 44, by region



IV. Trends relating to the types of need identified and technical assistance needs beyond the provisions under review

Trends in the types of technical assistance needs identified and other needs emerging from the country reviews

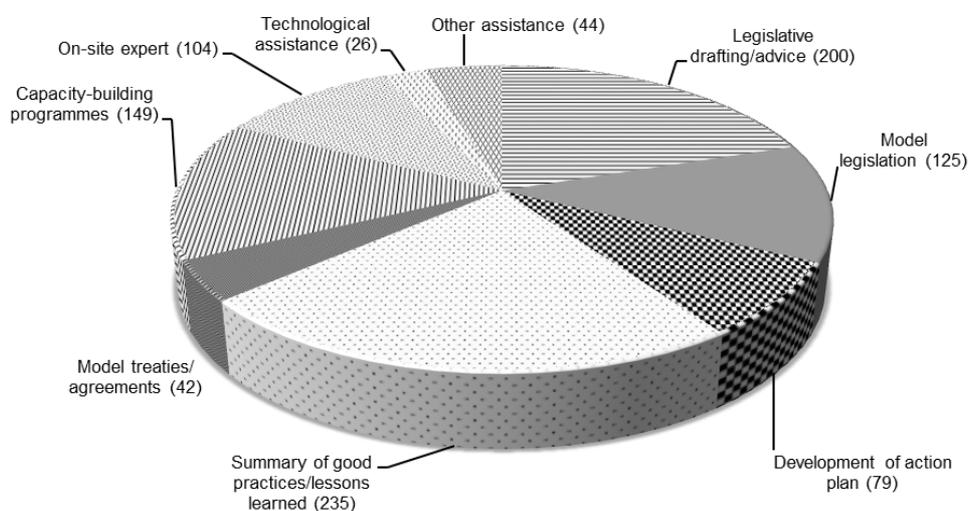
23. Technical assistance needs that focused on the establishment or strengthening of legal frameworks were identified by most States, which correlated with both the challenges in implementation identified in the same areas and the thematic findings of the country reviews as noted above. Good practices and lessons learned were also solicited by many States, which was an aspect of the outcome of the country reviews that was also emphasized by the Implementation Review Group. Accordingly, information on good practices has been sought from States parties, in order to share them with other States in potentially more detail than currently available in the country review reports or executive summaries.

24. The majority of States identifying technical assistance needs included the need for capacity-building and training in relation to a large number of provisions under review. Some States underscored their need for financial and material assistance in implementing the Convention, including for information technology equipment. Among the updated sample of States, two specifically noted their need for case management systems.

25. Figure XIV reflects the total number of needs identified, by type of need, as contained in the comprehensive self-assessment checklist.

Figure XIV

Number of needs identified, by type of need



26. States parties have emphasized that the peer review aspect of the Review Mechanism has already contributed to the provision of technical assistance, in that learning from one another has been an important starting point, and further work on gathering and disseminating good practices may be undertaken.

27. In addition to the tools and guides on specific aspects of implementation of the Convention, the United Nations Office on Drugs and Crime (UNODC) collates and analyses country-specific anti-corruption information, including on legislation, and makes it available to the global anti-corruption community through the online legal library accessible on the Tools and Resources for Anti-Corruption Knowledge (TRACK) web portal. The information contained in the legal library is constantly validated through the information gathered during the country reviews. The statistics available on the use of the portal show that it has a significant and growing community of users.

28. While direct assistance by an expert, through legislative drafting support and the provision of legal advice, is generally delivered in-country, support has also been provided to subregional initiatives, and figure XIV shows that the need for such tailored assistance exists globally. The same applies to capacity-building needs, which are frequently linked to special investigative techniques, data gathering and case management systems.

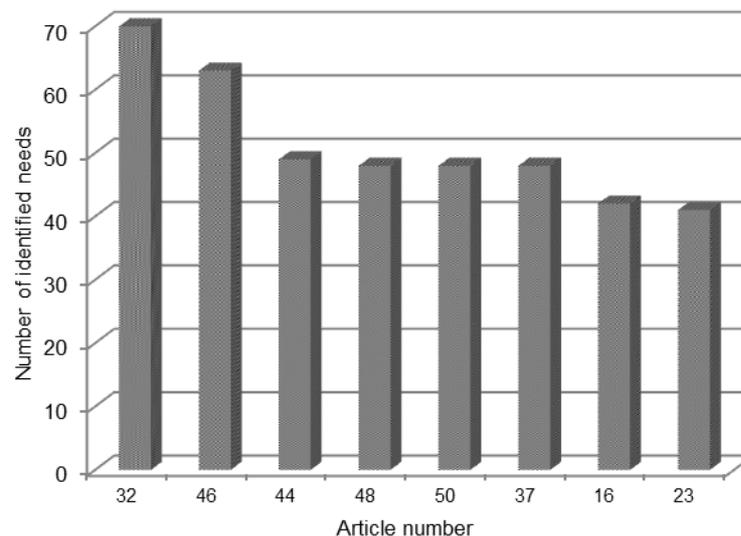
Priority areas based on the analysis of identified technical assistance needs, by article and substantive area

29. The following priority areas have been identified through the implementation review process (see figure XV):

- (a) Cooperating offenders, witnesses and reporting persons (articles 32, 33 and 37);
- (b) Mutual legal assistance (article 46);
- (c) Extradition (article 44);
- (d) Law enforcement cooperation (article 48);
- (e) Special investigative techniques (article 50);
- (f) Bribery of foreign public officials (article 16);
- (g) Laundering of proceeds of crime (article 23).

Figure XV

Priority areas of technical assistance



30. The list of priorities outlined above clearly demonstrates that assistance to counter corruption includes an international dimension. The provisions on international cooperation (mutual legal assistance, extradition and law enforcement cooperation) feature high on the list of needs for technical assistance. In looking forward to the second review cycle, it is almost certain that the need for assistance will increase, with international cooperation being an integral component of asset recovery. Hence, being able to support countries in their efforts to improve international cooperation will have a positive effect on the ability of States parties to fully implement the asset recovery provisions of the Convention.

31. In addition, the information emerging from the country review reports has enabled analysis and breakdown by region, which will become more significant as more reviews are finalized and the sample of States becomes proportionate to the size of each regional group.

32. When the number of needs for technical assistance is broken down by region, the demand is significantly higher in the Asia and Pacific region for the current sample, followed by Africa, Latin America and the Caribbean and, finally, Eastern Europe. With these considerable variations, it is noteworthy that the types of technical assistance needed are still in line with the priorities as outlined above, with smaller regional variations, i.e. the development of an action plan remains primarily an Asian and African need, whereas legislative drafting and the sharing of good practices stretches across the regions. The current discrepancy in demand across regions is to an extent apparent by comparing the needs already identified in the self-assessment with needs identified in the country reports. Many States in the Asia and Pacific region have classified the identified needs by article, whereas in several States in the African region, the identified needs have been categorized thematically and requests for follow-up on specific areas have been formulated.

Information on needs already being addressed and national mechanisms for follow-up

33. As noted above, the comprehensive self-assessment checklist contains several predetermined categories of technical assistance needs, as well as a catch-all category for other needs. Many of the needs identified during the country reviews fell within these broad categories, but broader needs were reflected in the country review reports and executive summaries. In several cases, this has been a way for States under review to engage in follow-up on the outcome of their reviews, using the initial review as a basis for a more comprehensive analysis of their technical assistance needs.

34. One State in the updated sample specifically noted that capacity-building and training for institutions in the criminal justice system were to be based on a detailed assessment of technical assistance needs and that this should be conducted in cooperation with existing partners and build upon existing measures. This was to be undertaken as one of the outcomes of the country review process.

35. As noted in the information provided to the Conference, in order to trigger the follow-up process, once a country review has been concluded and technical assistance needs have been identified, the secretariat sends a letter indicating readiness to take forward the outcome of the review process through, inter alia, assisting the State party under review to develop a prioritized action plan and

discussing how to meet the needs identified, including through establishing a dialogue with potential donors. Several States provided information during the country review process on national strategies or action plans they had drafted and adopted to fight corruption.

36. The Conference recommended that States parties should identify technical assistance requirements in their responses to the comprehensive self-assessment checklist and in the country reports, that these should preferably be prioritized and that States parties, where applicable, should continue to provide UNODC with information on ongoing technical assistance projects related to the implementation of the Convention. Few States under review provided such information in their responses to the self-assessment checklist, and further information on what types of technical assistance were already being provided was usually received during the direct dialogue, that is, during country visits, either from national authorities or during meetings with technical assistance providers and donors and partners, such as the United Nations Development Programme (UNDP), that were organized by the focal point of the State under review. However, as can be noted with the correlation of technical assistance needs identified in the self-assessment and then in the country reports, in several instances these needs were repeated and further work was needed to provide detail and follow-up.

37. As the analysis of technical assistance needs has shown, the needs highlighted range from zero to over 100 specific areas in which such assistance would be needed to fully implement the Convention. Based on the sample, over a thousand individual instances of technical assistance needs have been identified. Based on the experience during the first cycle and in view of the complexity of the chapters under review in the second cycle (on prevention and asset recovery), it is likely that countries will have at least similar, if not greater, needs in the second cycle. Furthermore, the type of technical assistance required for implementing the chapters on prevention and asset recovery is likely to be more complex in nature than the provision of legal assistance for criminalizing certain offences in accordance with the Convention.

38. At the country level, the following types of needs and actions were most requested:

(a) Pre-review support: One of the most frequent requests was for support in anticipation of an upcoming implementation review through a so-called gap analysis. This applies to countries in the current cycle, and an increasing number of requests for assistance with early preparation for the second cycle are being received. In recognizing that the quality of the self-assessments continues to be an important driver of the quality of the implementation reviews and their ultimate utility domestically, it is evident that the early preparation of the self-assessments, including through undertaking a gap analysis ahead of the formal review, plays a fundamental role in the outcome of the reviews. The assistance provided by UNODC in these preparatory stages has resulted in more comprehensive information being included in the self-assessments and in a better-substantiated information base for the reviews and eventually for the preparation of future domestic anti-corruption action plans and strategies;

(b) Post review support, in particular follow-up to the findings, including for the development of an action plan: Technical assistance in follow-up to the

implementation review process is based on the requests of States parties for support to respond to the review findings and recommendations. It often involves the development, together with the national stakeholders, of a domestic action plan or an outline of priority areas. However, as mentioned earlier, the number one request for support is the sharing of good practices; hence, it remains critical that UNODC not only support States parties through hands-on expertise, but also that it maintain a well-resourced, up-to-date online database, such as TRACK, in which such information can easily be accessed;

(c) Legislative support: As identified above, one of the most common requests for technical assistance is for legal advice, legislative guidance and drafting expertise to facilitate the strengthening of relevant legislation to ensure compliance with chapters III and IV of the Convention. This relates not only to national legislation, but also to the need for regional convergence in order to facilitate international cooperation;

(d) Capacity-building: Capacity-building assistance continues to be provided through basic training, advanced training and training of trainers. It is noteworthy that there has been an increase in the number of requests for capacity-building in relation to the financial aspects of corruption and its linkages to money-laundering, as well as “special investigative techniques”. In part, these requests are responded to through the joint World Bank/UNODC Stolen Asset Recovery (StAR) initiative. It can be expected that, with the review of chapters II and V, requests for capacity-building assistance will increase and become more diversified.

39. In addition to these areas of country-level technical assistance, there are other areas of technical assistance requested in order to ensure compliance with chapters III and IV of the Convention. Such assistance includes the development and implementation of case management systems and the establishment and management of databases and information-sharing systems at both the national and regional levels. These requests are often included under the category of capacity-building, as States view the setting up and maintenance of such systems as a national priority.

40. Capacity-building through the sharing of good practices and lessons learned globally remains a top priority for States parties and a crucial outcome of the Review Mechanism, as it enables States parties to create their own domestic responses in a global environment while learning from others.

Areas for further consideration to enhance the identification of technical assistance needs and to strengthen responses

41. At the country level, the executive summaries have been an important source of information, but these may not always contain sufficient detail to inform programming decisions or potential technical assistance responses. With the agreement of the country under review, full reports could be the basis for a more in-depth analysis and prioritization of needs at the country level, which could result in the development of an action plan for implementation. This would ensure that technical assistance is country-led, country-based, integrated and coordinated.

42. UNODC and UNDP have partnered in creating PACK (partnering in anti-corruption knowledge), a guidance note for development partners on how the Convention can be used as a programming tool. The initiative not only outlines the

basic requirements of the Convention, but also explains how donors and development cooperation partners can leverage the implementation review to enhance their cooperation with States throughout the review process. The role of UNODC in this process is to facilitate dialogue between the national authorities and relevant development partners to seek support for the programme by, inter alia, ensuring that the activities are in line with the needs that have been validated through the review process.

43. Discussions in the Review Group have highlighted the fact that South-South cooperation could enhance the provision of technical assistance for the implementation of the Convention. In many cases, the review process itself has already provided the framework for South-South peer learning.

44. As an increasing number of country reviews were being finalized, information emerged that could result in a more efficient use of resources by addressing specific needs on a regional basis, as well as by drawing on already existing technical assistance programmes in order to absorb some of the requirements emerging from the Review Mechanism. In that context, the deployment of UNODC regional anti-corruption advisers had already started to facilitate the provision of targeted technical assistance in a comprehensive and cost-efficient manner.

45. With regard to the categorization of technical assistance needs in the comprehensive self-assessment checklist, the analysis of country review reports finalized to date indicates the importance of the predetermined types and categories of needs, as many States have reflected those needs as such. Further detail and follow-up is required in most States to elaborate on identified technical assistance needs and appropriate responses. The technical assistance categories in the comprehensive self-assessment checklist to be used for the second cycle of reviews may be amended to reflect the lessons learned from the first cycle.