



Conference of the States Parties to the United Nations Convention against Corruption

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Guidelines for governmental experts and the secretariat and blueprint of country review reports

Guidelines for governmental experts and the secretariat in the conduct of country reviews

Note by the Secretariat

I. Introduction

1. In its resolution 3/1, the Conference of the States Parties to the United Nations Convention against Corruption¹ adopted draft guidelines for governmental experts and the secretariat in the conduct of country reviews, as well as a draft blueprint for country review reports, to be finalized by the Implementation Review Group. In order to assist the Group in finalizing those documents, the secretariat has prepared, for submission to and consideration by the Group at its meeting to be held in Vienna from 28 June to 2 July 2010, the updated version of the guidelines contained in the present report. The changes incorporated into this version are based on the draft documents adopted by the Conference and reflect the decisions taken by the Conference on the terms of reference of the Review Mechanism (resolution 3/1, annex).

II. General guidance

2. Throughout the review process, governmental experts and the secretariat shall be guided by the relevant provisions of the United Nations Convention against Corruption and the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.

* CAC/COSP/IRG/2010/1.

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.



3. In particular, governmental experts shall bear in mind article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
4. Furthermore, governmental experts shall carry out the reviews in full recognition of the purpose of the review process as specified in paragraph 11 of the terms of reference.
5. During all interactions within the review process, governmental experts shall respect the collective approach. Governmental experts are expected to act with courtesy and diplomacy, and shall remain objective and impartial. Governmental experts need to be flexible in their approach and ready to adapt to changes in schedules.
6. Governmental experts and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process, as well as the country review report, as stipulated in the terms of reference. If there are serious grounds for believing that a governmental expert or a member of the secretariat has violated the obligation of confidentiality, the secretariat shall inform the Implementation Review Group.
7. It is also expected that governmental experts are not to be influenced in their assessment of the implementation of the Convention. While information generated through competent international organizations whose mandates cover anti-corruption issues or regional and international mechanisms for combating and preventing corruption is to be taken into account, governmental experts shall make their own analysis of the facts provided by the State party under review in order to present findings that are in line with all the specific requirements of the Convention provisions under review.
8. Throughout the review process, governmental experts are encouraged to contact the secretariat for any assistance required.

III. Specific guidance

A. Preparatory stage

9. The governmental experts shall prepare themselves by:
 - (a) Studying thoroughly the Convention;
 - (b) Reading the *Legislative Guide for the Implementation of the United Nations Convention against Corruption*,² particularly those parts pertaining to the articles that are the subject of the relevant review cycle;
 - (c) Familiarizing themselves with the substantive background information contained in annex I to the present guidelines;

² United Nations publication, Sales No. E.06.IV.16.

- (d) Reviewing the responses provided by the State party under review in its comprehensive self-assessment checklist and supplementary documentation;
- (e) Informing the secretariat if additional information and material are required;
- (f) Highlighting issues requiring further clarification;
- (g) Familiarizing themselves with the issues addressed by the State party under review, and formulating questions and comments.

B. Constructive dialogue

10. Constructive dialogue is key to the efficiency and effectiveness of the review process. In order to ensure the timely completion of the review, the time frame for the constructive dialogue is set for a period of three months as from the initial telephone conference or videoconference. During this period, various means of dialogue shall be employed and facilitated by the secretariat, including conference calls, videoconferences, e-mail exchanges and country visits or joint meetings in Vienna to be conducted upon request by the State party under review.

11. While governmental experts shall establish open lines of communication with the State party under review, experts shall keep the secretariat abreast of all these communications.

12. Within one month of the drawing of lots, States parties under review are to submit their comprehensive self-assessment checklist to the secretariat, which will circulate it to the reviewing States parties and, at the same time, submit it for translation if required. In accordance with article 16 of the terms of reference, the State party under review may avail itself of assistance provided by the secretariat for the preparation of responses to the checklist.

13. Within one month of the receipt of the comprehensive self-assessment checklist, and in any case no later than three months after the drawing of lots, governmental experts shall actively participate in a telephone conference or videoconference, to be organized by the secretariat, for the purpose of an initial introduction of the reviewing States parties, the State party under review and the staff of the secretariat assigned to the particular country review and for general orientation, including a review of the schedule and requirements established for the review.

14. During this conference call, governmental experts shall discuss the initial analysis of the comprehensive self-assessment checklist, if it has been submitted, as well as areas identified as requiring further clarification and information.

15. Governmental experts from reviewing States parties shall take a decision on how to divide tasks and issues among themselves, taking into account their respective fields of competence.

16. Within two weeks after the telephone conference or videoconference, governmental experts shall supply the secretariat, in writing, with requests for additional information sought and specific questions to be forwarded to the State party under review, if necessary.

17. Throughout the process, governmental experts shall take note of the information and material provided by the State party under review through the different means of communication mentioned above.

18. Within one month after the completion of the dialogue stage, governmental experts shall provide their analysis, in the form of a written desk review, to the secretariat. When preparing the desk review, governmental experts shall avoid duplicating texts already contained in the comprehensive self-assessment checklist. They are further requested to substantiate their desk review. Objective and impersonal language will aid understanding. When abbreviations and acronyms are used, these shall be defined upon their first use.

19. In line with the structure of the country review report, as contained in the blueprint (annex II), the desk review is to include governmental experts' findings and observations.

20. The desk review is to be concise and factual and is to include solid reasoning for the conclusions drawn and observations made for each article of the Convention assessed.

21. Depending on the scope of the review cycle, governmental experts shall include findings with respect to the domestication in national law of each article of the Convention, as well as its implementation in practice.

22. Governmental experts shall further identify successes and good practices, challenges, observations and areas where technical assistance may be required.

23. At the request of the State party under review and as required, governmental experts may also be asked to provide the State party under review with explanations of how to address the challenges identified so as to allow the country to fully and effectively implement the relevant articles of the Convention.

24. As required, the secretariat will organize a telephone conference or videoconference bringing together the governmental experts of the reviewing States parties and the State party under review. During the conference call, governmental experts from the reviewing States parties shall introduce their parts of the desk review and explain the findings and observations.

25. Governmental experts will prepare a first draft of the country review report, based on the blueprint format. This draft will then be sent to the State party under review.

26. Following comments from the State party under review, the governmental experts of the reviewing States parties will incorporate these comments in the draft country review report.

27. The governmental experts may request the secretariat to assist in drafting the desk review and the country review report, as required.

C. Further means of direct dialogue

28. A country visit or joint meeting in Vienna may be agreed to by the State party under review to complement the desk review. While the secretariat will facilitate all practical arrangements, governmental experts shall take all necessary measures from

their side to participate in the country visit. Pursuant to article 30 of the terms of reference, States parties are encouraged to facilitate engagement with all relevant national stakeholders in the course of a country visit.

29. During the country visit or joint meeting in Vienna, governmental experts shall uphold the principles and standards outlined in the general guidance above. In particular, governmental experts shall keep in mind the following points throughout the country visit.

30. When seeking additional information and asking for clarification, governmental experts shall bear in mind the non-adversarial, non-intrusive and non-punitive character of the review and the overall goal of assisting the State party under review to reach full implementation of the Convention against Corruption.

31. Governmental experts are expected to actively and constructively participate in all meetings, including at internal debriefings at the end of each working day, or at the end of the country visit or joint meeting in Vienna.

32. Governmental experts are expected to be respectful and courteous in meetings, respecting time frames set in the programme and allowing time for all members to participate. At the same time, governmental experts are expected to be flexible, as the programme may change during the visit.

33. Questions should seek to complement information already provided by the State party under review and relate only to the review process. Governmental experts shall therefore remain neutral and not voice personal opinions during the meetings.

34. Governmental experts are expected to take notes during all meetings, which can be referred to when producing the final country review report. They shall share their opinions and preliminary findings during debriefings, as well as in writing within two weeks after the country visit.

35. Once comments from governmental experts of the reviewing States parties have been received, they will prepare an amended draft country review report, taking into account the additional information received during the meetings.

36. The governmental experts may request the secretariat to assist in drafting the country review report, as required.

D. Finalizing the country review report

37. Governmental experts shall thoroughly read the updated draft country review report reflecting the comments by the State party under review, in order to agree on the language to be used in the report and prepare an executive summary of that report.

38. The secretariat shall send this report and its executive summary to the State party under review for approval. In case of disagreement, there shall be a constructive dialogue between the State party under review and the governmental experts to arrive at a consensual final report and its executive summary.

Annex I

Substantive background information relevant to the articles subject to the review cycle

[*Relevant parts of the* Legislative Guide for the Implementation of the United Nations Convention against Corruption *and other relevant United Nations tools*]

[...]

Annex II

Blueprint for country review reports

Review by [*names of reviewing States*] of the implementation by [*name of State under review*] of article[s] [*number(s) of articles*] of the United Nations Convention against Corruption for the review cycle [*time frame*]

I. Introduction

1. The Conference of the States Parties to the United Nations Convention against Corruption was established pursuant to article 63 of the Convention to, inter alia, promote and review the implementation of the Convention.
2. In accordance with article 63, paragraph 7, of the Convention, the Conference established at its third session, held in Doha from 9 to 13 November 2009, the Mechanism for the Review of Implementation of the Convention. The Mechanism was established also pursuant to article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
3. The Review Mechanism is an intergovernmental process whose overall goal is to assist States parties in implementing the Convention.
4. The review process is based on the terms of reference of the Mechanism.

II. Process

5. The following review of the implementation by [*name of State under review*] of the Convention is based on the comprehensive self-assessment checklist received from [*name of State under review*] and the outcome of the constructive dialogue between the experts from [*names of the two reviewing States and the State under review*], by means of [*communication media, such as telephone conferences, videoconferences, e-mail exchanges, face-to-face meetings*] and involving [*names of experts involved*].

[*Optional*: 6. A voluntary country visit, requested by [*name of State under review*] was conducted from [*date*] to [*date*].]

OR

[A joint meeting between [*name of State under review*] and [*names of reviewing States*] was held in Vienna from [*date*] to [*date*].]

III. Executive summary

7. [*Summary of the following*:

(a) *Findings and observations on the implementation of the articles under review by the State under review*;

- (b) *Successes and good practices;*
- (c) *Challenges in implementation, where applicable;*
- (d) *Priorities and actions, as well as technical assistance needs, identified by the State under review to improve its implementation of the Convention.*]

IV. Implementation of the Convention

A. Ratification of the Convention

8. [Name of State under review] signed the Convention on [date] and ratified it on [date]. [Name of State under review] deposited its instrument of ratification with the Secretary-General on [date].
9. The implementing legislation — in other words, the [title of act ratifying the Convention] — was adopted by [name of national legislative body] on [date], entered into force on [date] and was published in [name, number and date of official publication communicating adoption of the act]. The implementing legislation includes [summary of ratification legislation and overview of methods used to implement the Convention].

B. Legal system of [name of State under review]

10. Article [number of article] of the Constitution states that [discuss whether treaties are self-executing or require implementing legislation, where the Convention fits into the hierarchy of law, etc.].

C. Implementation of selected articles

Article [number of article]

[title of article]

[Text of the article, block indented]

11. [Reference to the relevant part of the Legislative Guide for the Implementation of the United Nations Convention against Corruption]
- (a) **Summary of information relevant to reviewing the implementation of the article**
 12. [Information provided by the State under review through the comprehensive self-assessment checklist and in the context of the constructive dialogue, as well as information available from other existing anti-corruption review mechanisms in which the State under review participates]
 - (b) **Findings and observations on the implementation of the article**
 13. [Findings of the review team with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in

which national law has been brought into line with the article, as well as to the implementation of the article in practice]

14. *[Findings on the status of implementation of the article, including successes in implementation and challenges in implementation]*

(c) Successes and good practices

15. *[Successes and good practices in implementing the article, where applicable]*

(d) Identification of challenges in implementation, where applicable

16. *[Any challenges in implementation and relevant observations]*

(e) Priorities and actions identified by [name of State under review]

17. *[Where applicable, priorities and actions, as well as technical assistance needs, identified by the State under review to improve implementation of the Convention]*
