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

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Consideration of proposals for terms of reference for a mechanism for reviewing the implementation of the United Nations Convention against Corruption

Proposals and contributions received from Governments for the terms of reference of a mechanism for reviewing the implementation of the United Nations Convention against Corruption

Background paper prepared by the Secretariat

Addendum

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II. Proposals and contributions received from States parties to the United Nations Convention against Corruption

Croatia

1. Background

1. In Croatia, the basic documents concerning the fight against corruption are the National Anti-Corruption Programme 2006-2008 and its action plan.

2. The Programme and the action plan focus on four key areas: strengthening the legal and institutional framework for the fight against corruption; preventing and controlling corruption; strengthening inter-agency and international cooperation; and strengthening cooperation with civil society.

3. Most of the Programme deals with the prevention of corruption, touching on the following areas: the prevention of conflicts of interest in the exercise of public office; the financing of political parties; the right of access to information; codes of conduct for civil servants; the economy; public finances; public procurement; the protection of injured parties and persons who report corruption in good faith; the judiciary; the health-care system; science; education; and sports.

4. With a view to implementing the Programme, the Government of Croatia has developed an action plan that elaborates on the objectives defined in the Programme. The action plan was envisaged as a work in progress, to be revised annually with the aim of monitoring and analysing the implementation of the Programme.

5. The action plan contains 195 specific measures for which clear deadlines have been set and funds and competent institutions have been identified.

2. Proposal for the terms of reference of a mechanism for reviewing the implementation of the United Nations Convention against Corruption

(a) Guiding principles

Basic parameters

6. It is very important to have a mechanism for improving cooperation between States parties in order that States may achieve the objectives set forth in the United Nations Convention against Corruption[1] and promote and review its implementation.

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

7. The Conference should adopt reports and take part in organizing site visits to States under review and face-to-face meetings between experts and representatives of national authorities. The Conference should also be responsible for expenses incurred in carrying out those activities.

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

(b) Methodology

Purpose

8. The purpose of the review mechanism should be to facilitate the implementation of the Convention.

Thematic scope of review

9. The situation in a State under review can best be understood by visiting that State and by participating in face-to-face meetings. Site visits can also be a useful control mechanism.

Sources and use of information

10. Reports should include background material about the national legislation (the legal and institutional framework) of the States under review with regard to the suppression, prosecution and sanctioning of corruption, international cooperation and awareness-raising of the harmfulness of corruption. Reports should also include information on the following areas: the prevention of conflicts of interest in the exercise of public office; the financing of political parties; the right of access to information; codes of conduct for civil servants; the economy; public finances; public procurement; the protection of injured parties and persons who report corruption in good faith; and the judiciary.

11. The review mechanism should be based on collecting data, carrying out site visits and conducting face-to-face meetings.

Reports

12. Reports should be submitted by the States parties. Reports should be drafted according to the principle of self-assessment, which obliges all the competent authorities of States under review to consistently and regularly oversee the implementation of policies for countering corruption, assess the risk of corruption and take appropriate measures.

(c) Administration of the review mechanism

13. Experts for implementation should be named by the secretariat upon the suggestion of States parties. They should be selected from Government bodies, universities and representatives of civil society of the States under review.

(d) Secretariat

14. The secretariat needs to be adequately staffed in order to be able to participate in the entire process proactively and efficiently.

(e) Funding

15. As per paragraph 7 above, the review mechanism should be funded either from the regular budget of the United Nations or from extrabudgetary resources (if available), or both.