



**UNODC**

United Nations Office on Drugs and Crime

# CONFERENCE OF THE STATES PARTIES REVIEW MECHANISM

**DRAFT**

## GUIDELINES FOR GOVERNMENTAL EXPERTS PARTICIPATING IN THE REVIEW TEAMS

## **A. General Guidance**

1. Throughout the review process, the governmental experts shall be guided by the relevant provisions of the United Nations Convention against Corruption<sup>1</sup>, and the guiding principles of the Review Mechanism (reference to relevant articles in ToR).
2. In particular, governmental experts should 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 non-intervention in the domestic affairs of other States.
3. Furthermore governmental experts are expected to carry-out the reviews in full recognition of the purpose of the review process as specified in article X of its terms of reference and are to assist States Parties in their implementation of UNCAC.
4. During all interactions within the review process, governmental experts are expected to respect a collective approach of the review team. Governmental experts are expected to act with courtesy and diplomacy, and remain objective and impartial. The governmental experts need to be flexible in their approach and ready to adapt to changes in schedules.
5. Governmental experts are expected to respect the confidential nature of the documents and information provided.
6. It is further expected that the governmental experts are not influenced in their assessment of the implementation of the United Nations Convention against Corruption. While information generated through other anti-corruption bodies is to be taken into account, the governmental experts are expected to make their own analysis of the facts provided in order to present findings that are in line with all the specific requirements of the UNCAC provisions under review.
7. Throughout the review process governmental experts are encouraged to contact the Secretariat for assistance as required.

## **B. Specific Guidance**

### ***Preparatory stage***

8. The governmental experts are expected to prepare themselves for the review process by:
  - Studying thoroughly the United Nations Convention against Corruption.
  - Reading through the Legislative Guide for the Implementation of the UNCAC, particularly those parts pertaining to the articles that are subject of the relevant review cycle.
  - Familiarizing themselves with the substantive background information contained in Annex I of these guidelines.
  - Reviewing the answers provided by the State party under review in their self-assessment checklist and accompanying documentation, in particular the information pertaining to those articles that are subject of the relevant review cycle.
  - Informing the secretariat if additional information and material is required.
  - Highlighting issues requiring further clarifications.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

- Familiarizing themselves with the issues addressed by the State Party under review, and formulating questions and comments.

### ***Constructive dialogue***

9. Within one month of the establishment of the review teams, or of the receipt of the Self-assessment checklist, governmental experts are expected to actively participate in a telephone/video conference to be organized by the secretariat for the purpose of initial introduction of the members of the review team, the staff of the secretariat assigned to the particular review team, and a general orientation discussion, including a review of the schedule and requirements established for the review.

10. During this conference call, the governmental experts are expected to discuss the initial analysis of the self assessment checklist, as well as areas identified requiring further clarifications and information.

11. Governmental experts are further expected to take a decision on how to divide tasks/issues among the members of the review team, taking into account the governmental experts' respective fields of competence.

12. Within two weeks after the telephone/video conference, governmental experts are expected to supply the secretariat in writing with requests for additional information sought and specific questions to be forwarded to the country under review, if necessary.

13. Constructive dialogue is key to the efficiency and effectiveness of the review process. In order to ensure the timely completion of the review, the timeframe for the constructive dialogue is set for a period of three months, starting with the telephone/video conference. During this period various means of dialogue shall be employed and facilitated by the secretariat, including, inter alia, e-mail communication, telephone/video conference and meetings.

14. While governmental experts are encouraged to establish open lines of communication with the other members of the review team and the governmental experts of the State party under review, experts are also urged to keep the secretariat abreast of all these communications.

15. Throughout the process governmental experts are expected to take note of the information and material provided including in e-mail communication, telephone / video conference and meetings.

16. Within one month after the completion of the dialogue stage, governmental experts are expected to provide their analysis in writing to the secretariat. When preparing the analysis, governmental experts are asked to avoid duplicating text already contained in the self-assessment checklist. They are further requested to be concise, factual and substantiate the analysis. Objective and impersonal language will aid understanding. When abbreviations and acronyms are used, these shall be introduced upon their first use.

17. In line with the structure of the Implementation Review Report, as contained in the attached Blueprint (Annex II), the analysis is to contain the governmental experts' findings and observations, as well as recommendations.

18. The analysis is to be concise, factual and include solid reasoning for the conclusions drawn and recommendations suggested for each UNCAC Article assessed.

19. Depending on the scope of the review cycle, the governmental experts are expected to include findings with respect to the domestication of each UNCAC article in national law, as well as its implementation in practice.

20. The governmental experts are further expected to identify successful measures and good practices, as well as implementation gaps, where either exist.

21. Where gaps have been identified, the governmental experts are to suggest recommendations on ways and means and actions necessary to remedy such gaps.

22. At the request of the reviewed country and as required, the governmental experts may also be asked to assist the reviewed country in identifying possible components for a national action plan which would allow the country to fully and effectively implement UNCAC, including possible areas where technical assistance may be required.

23. Once the governmental experts' contributions have been received, the secretariat will prepare a first draft implementation review report, based on the blueprint format. The governmental experts will be invited to comment on the first draft report within two weeks after receiving it.

24. The secretariat will prepare an amended version of the draft report reflecting further comments from the governmental experts. This draft report will be sent to the reviewed country.

25. Following comments from the reviewed country, the secretariat will provide the governmental experts and the reviewed country with the draft report incorporating these comments.

### ***[Country Visit***

26. As part of the constructive dialogue, the reviewed country in consultation with the governmental experts may decide, on the basis of the draft report, to complement and extend the constructive dialogue by requesting a country visit. This may be done in order to enhance the analysis of information provided and/or to assist the country in identifying priorities and actions necessary to improve implementation of the Convention and technical assistance needs for that purpose, thus facilitating the country's efforts to develop an national action plan.

27. If a country visit is decided, the reviewed country will be planning and organizing the country visit. While the secretariat will facilitate all practical arrangements, the governmental experts are expected to take all necessary measures from their side to participate in the country.

28. During the country visit, governmental experts are expected to uphold the principles and standards outlined in the General Remarks above. In particular, governmental experts shall keep in mind the following throughout the country visit:

29. When seeking additional information and asking for clarification, governmental experts are to bear in mind the non-adversarial, non-intrusive and non-punitive character of the review and the overall goal to assist the reviewed State to reach full implementation of the UNCAC;

30. 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.

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

32. Governmental experts are expected to respect a collective approach of the review team and the reviewed country and extend courtesy to other members in the review team.

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

34. The governmental experts are expected to take notes during all the meetings, which can be referred to when producing the final report. They are expected to share their opinions and preliminary findings during debriefings, as well as in writing within 2 weeks after the country visit.

35. Once the governmental experts comments have been received, the secretariat will prepare an amended draft implementation review report, taking into account the additional information

received during the visit. The governmental experts will be invited to comment on this draft report within 2 weeks after receiving it.

36. The secretariat will prepare an amended version of the draft report reflecting further comments from the governmental experts. This draft report will be sent to the reviewed country.

37. Following comments from the reviewed country, the secretariat will provide the governmental experts and the reviewed country with the draft report incorporating these comments. ]

### ***Finalizing the Implementation Review Report***

38. As required, the secretariat will organize a telephone/video conference bringing together the review team and the governmental experts from the reviewed country. During the conference call, the governmental experts are expected to briefly introduce their parts of the report and be able to explain the findings, observations and recommendations, as necessary.

39. The governmental experts are further expected to have thoroughly read the latest draft implementation review report reflecting the comments by the reviewed country, in order to be able to agree on final language to be used in the report.

### **Annexes:**

- I. **Substantive Background: Containing substantive background information relevant to the articles subject to the review cycle, i.e. parts of the UNCAC Legislative Guide and other relevant tools.**
- II. **Blueprint Country Implementation Report**