



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

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**Open-ended Intergovernmental Working
Group on Technical Assistance**

Vienna, 3 and 4 September 2009

Item 2 of the provisional agenda*

**Implementation of the mandate on technical assistance of
the Conference**

**Compliance with the United Nations Convention against
Corruption and the technical assistance needed to
implement the Convention**

Background paper prepared by the Secretariat

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* CAC/COSP/WG.3/2009/1.



I. Introduction

1. At its first session, held in Jordan from 10 to 14 December 2006, the Conference of the States Parties to the United Nations Convention against Corruption decided to establish an interim open-ended intergovernmental working group to advise and assist it in the implementation of its mandate on technical assistance (resolution 1/5). That working group was set up in accordance with article 63 of the United Nations Convention against Corruption.¹
2. In the same resolution, the Conference also decided that the working group should perform the following functions:
 - (a) Review the needs for technical assistance in order to assist the Conference on the basis of the information provided by States to the Conference;
 - (b) Provide guidance on priorities, based on programmes approved by the Conference and its directives;
 - (c) Consider information gathered through the self-assessment checklist approved by the Conference;
 - (d) Consider information, as appropriate and readily available and in the areas covered by the Convention, on technical assistance activities of the Secretariat and States, including successful practices, as well as on projects and priorities of States, other entities of the United Nations system and international organizations;
 - (e) Promote the coordination of technical assistance in order to avoid duplication.
3. In its resolution 1/2, the Conference decided that a self-assessment checklist should be used as a tool to facilitate the provision of information on implementation of the Convention and requested the Secretariat to collate and analyse information provided by States parties and signatories and to share that information and analysis with the Conference and the relevant open-ended intergovernmental working groups.
4. The Conference, in its resolution 2/1, requested the United Nations Office on Drugs and Crime to continue to assist parties, upon request, in their efforts to collect and provide information requested by the self-assessment checklist and to analyse and report on the information received to the Conference at its third session.
5. In its resolution 2/4, the Conference decided that the Open-ended Intergovernmental Working Group on Technical Assistance should continue its work and hold at least two intersessional meetings prior to the third session of the Conference; the first such meeting was held in Vienna from 18 to 19 December 2008.
6. The present background paper is based on the self-assessment reports submitted to the Secretariat by 72 States parties. It contains updated information on States' compliance with selected provisions of the Convention and, where partial or no compliance was reported, it offers an overview of the types of technical assistance required to achieve full compliance with the provisions under review in

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

the self-assessment checklist. To make the report more comprehensive and reader-friendly, reference is made to articles and chapters rather than individual provisions under review.

7. Furthermore, the paper contains a trend analysis of States' compliance with selected articles of the Convention and of related technical assistance needs. Such trend analysis, which also benefited from the support of modern technology, does not reflect progress in implementing the Convention by the 44 States parties that submitted their self-assessment reports before 30 November 2007.² Rather, it reflects variations in rates of compliance and technical assistance needs by including the information provided by 28 States parties between 30 November 2007 and 8 June 2009 in the analysis.

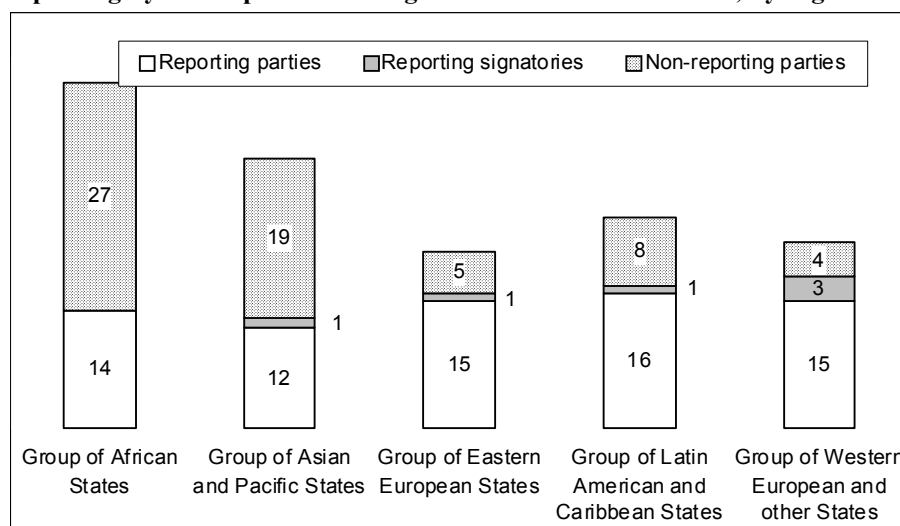
8. The use of the self-assessment checklist as a computer-based information-gathering tool has made it possible to introduce visual features such as charts and statistics, thereby enabling the Working Group to promptly identify implementation gaps and related technical assistance needs.

II. Self-assessment reports submitted as at 8 June 2009

9. As at 8 June 2009, 72 of the 136 parties (135 States parties and one regional economic integration organization) had submitted self-assessment reports on their implementation of the Convention; thus setting the response rate at 53 per cent. Six States signatories had also reported on their implementation efforts. An overview of the response rate by regional group is provided in figure 1, while variations in this rate over the reporting period are shown in figure 2.

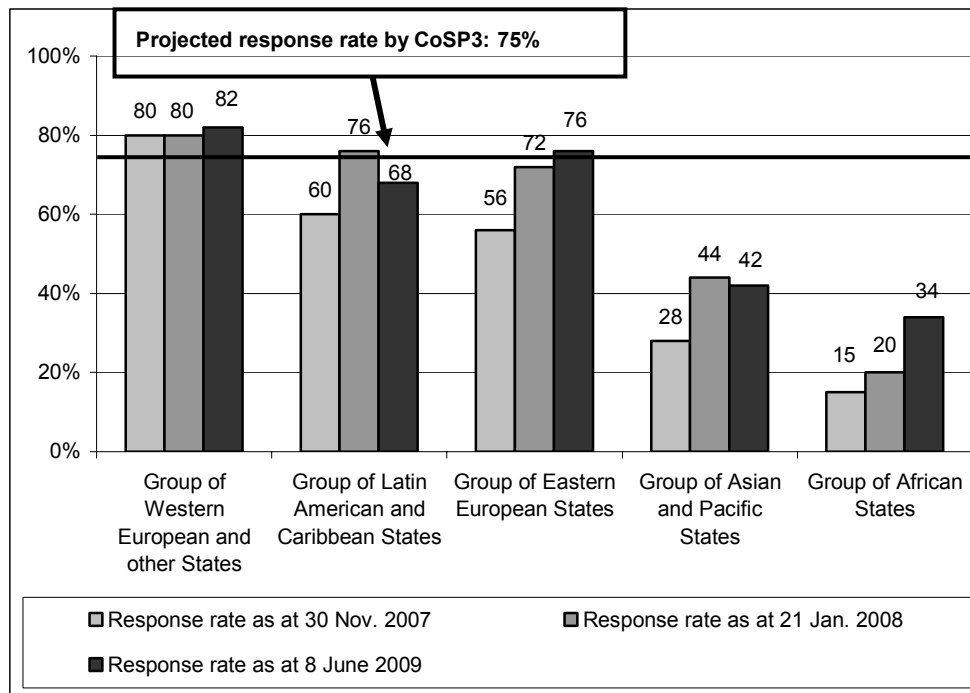
Figure 1

Reporting by States parties and signatories to the Convention, by region



² The information provided by the 44 States parties which had submitted their self-assessments before 30 November 2007 was presented to the Conference at its second session, held in Indonesia from 28 January to 1 February 2008 (reports CAC/COSP/2008/2 and Add.1).

Figure 2
Variations in the rates of response, by region
 (Percentage)



Group of African States

10. The following 14 States parties from the Group of African States reported on their implementation of the Convention: Algeria, Angola, Burkina Faso, Egypt, Kenya, Mauritania, Mauritius, Namibia, Nigeria, Rwanda, Sierra Leone, Togo, Tunisia and United Republic of Tanzania.

11. The following 27 States parties did not report on their implementation of the Convention: Benin, Burundi, Cameroon, Cape Verde, Central African Republic, Congo, Djibouti, Ethiopia, Gabon, Ghana, Guinea-Bissau, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Morocco, Mozambique, Niger, Sao Tome and Principe, Senegal, Seychelles, South Africa, Uganda, Zambia and Zimbabwe.

Group of Asian and Pacific States

12. The following 12 States parties from the Group of Asian and Pacific States reported on their implementation of the Convention: Bangladesh, Brunei Darussalam, China, Fiji, Indonesia, Jordan, Kyrgyzstan, Mongolia, Pakistan, Philippines, Tajikistan and Yemen. Bhutan reported as State signatory.

13. The following 19 States parties did not report on their implementation of the Convention: Afghanistan, Cambodia, Cyprus, Islamic Republic of Iran, Iraq, Kazakhstan, Kuwait, Lebanon, Malaysia, Maldives, Palau, Papua New Guinea,

Qatar, Republic of Korea, Sri Lanka, Timor-Leste, Turkmenistan, United Arab Emirates and Uzbekistan.

Group of Eastern European States

14. The following 15 States parties from the Group of Eastern European States reported on their implementation of the Convention: Armenia, Azerbaijan, Belarus, Bulgaria, Croatia, Hungary, Latvia, Lithuania, Montenegro, Poland, Romania, Russian Federation, Serbia, Slovakia and the former Yugoslav Republic of Macedonia. The Czech Republic reported as a State signatory.

15. The following five States parties did not report on their implementation of the Convention: Albania, Bosnia and Herzegovina, Georgia, the Republic of Moldova and Slovenia.

Group of Latin American and Caribbean States

16. The following 16 States parties from the Group of Latin American and Caribbean States reported on implementation of the Convention: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru and Uruguay. Haiti reported as a State signatory.

17. The following eight States parties did not report on their implementation of the Convention: Antigua and Barbuda, Bahamas, Guyana, Honduras, Jamaica, Nicaragua, Trinidad and Tobago and the Bolivarian Republic of Venezuela.

Group of Western European and other States

18. The following 15 States parties from the Group of Western European and other States reported on their implementation of the Convention: Australia, Austria, Canada, Finland, France, Greece, Malta, Netherlands, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America. Germany, Italy and Switzerland reported as States signatories.

19. The following four States parties did not report on implementation: Belgium, Denmark, Israel and Luxembourg.

III. Technical assistance needed to implement selected articles of the United Nations Convention against Corruption

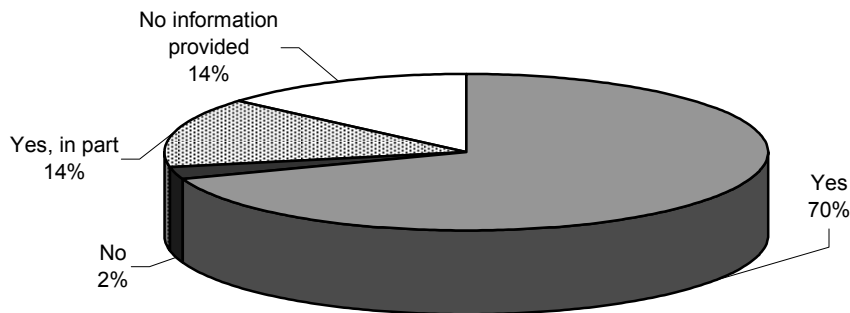
20. As at 8 June 2009, 68 per cent of the 72 reporting States parties requested technical assistance for the implementation of selected articles of the Convention, while 32 per cent of reporting States parties did not. Compared to the information available as at 30 November 2007, this represents an increase of two per cent in the States parties requesting technical assistance to achieve full compliance with the provisions under review.

A. Preventive measures (chapter II of the Convention)

21. As at 8 June 2009, 70 per cent of reporting States parties had reported full compliance with all the provisions of chapter II of the Convention, while 14 per cent had reported partial compliance. Fourteen per cent of reporting States parties had provided no information on the matter and 2 per cent reported that they had not complied with chapter II (see figure 3).

Figure 3

Proportion of States reporting full, partial or no implementation of chapter II of the Convention and proportion of States reporting no information on the matter (Percentage)

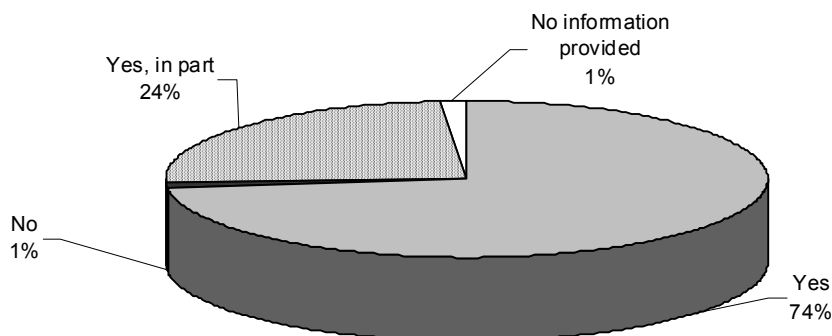


1. Preventive anti-corruption policies and practices (article 5)

22. The proportion of States parties indicating full implementation of preventive anti-corruption policies and practices as required by article 5 fell from 78 per cent as at 30 November 2007 to 74 per cent as at 8 June 2009, while one per cent of the States parties submitting reports indicated that they had not complied with that article. Furthermore, 24 per cent of reporting States parties indicated partial implementation of preventive anti-corruption policies and practices, and one per cent of reporting States parties did not provide information against article 5 (see figure 4).

Figure 4

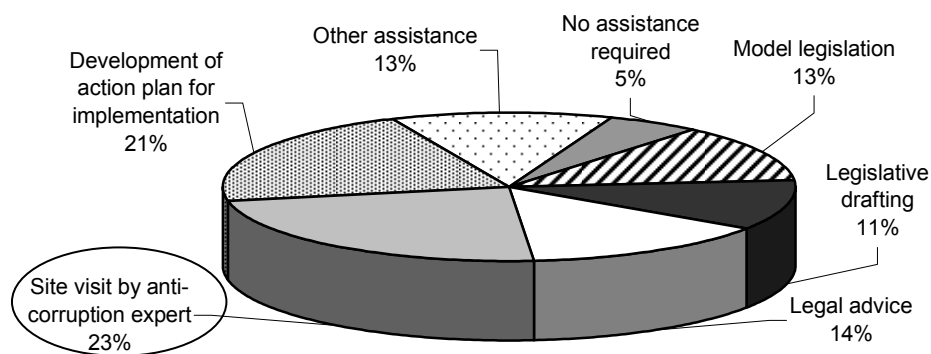
Proportion of States parties reporting full, partial or no implementation of article 5 of the Convention (Percentage)



23. While as at 30 November 2007, the predominant type of technical assistance requested for implementing article 5 had been the development of an action plan for implementation, as at 8 June 2009, the most sought-after type of assistance was the site visit by an anti-corruption expert (see figure 5). During that period, the proportion of States parties requesting no assistance fell from 13 to 5 per cent.

Figure 5

Types of technical assistance needed by the 21 States parties that had reported partial or no implementation of article 5 of the Convention



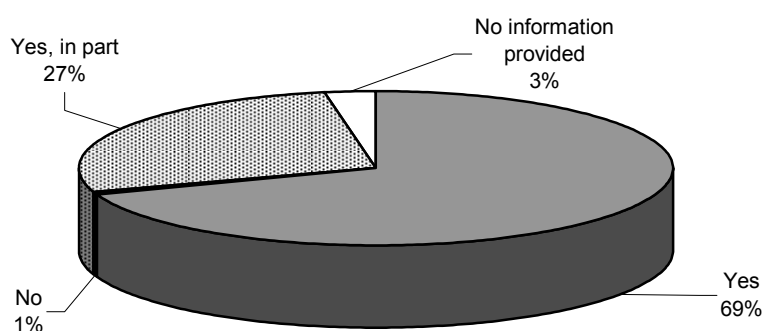
2. Preventive anti-corruption body or bodies (article 6)

24. A rise in compliance was recorded in relation to the implementation of article 6, requiring the existence of a preventive anti-corruption body. While as at 30 November 2007, 60 per cent of reporting States parties had reported full implementation of that article, by 8 June 2009, the rate of compliance had risen to 69 per cent. The proportion of States parties reporting partial implementation had fallen from 40 per cent to 27 per cent (see figure 6).

Figure 6

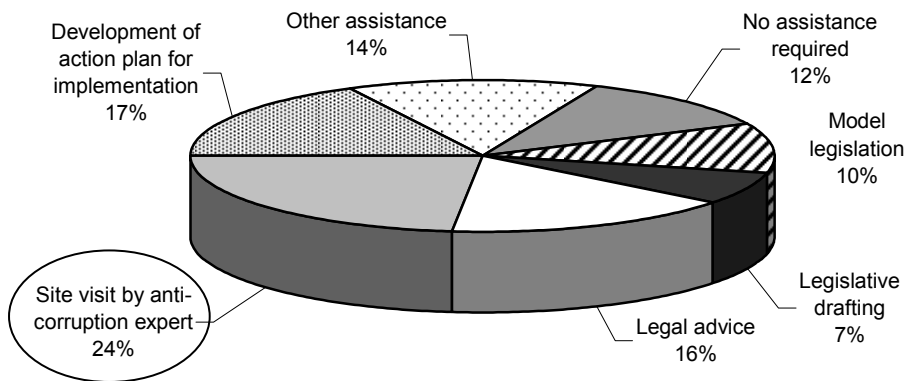
Proportion of States parties reporting full, partial or no implementation of article 6 of the Convention

(Percentage)



25. As at 30 November 2007, the most needed type of assistance for ensuring full compliance with article 6 was help in developing an appropriate action plan, as reported by 22 per cent of States parties requesting technical assistance. As at 8 June 2009, a site visit by an anti-corruption expert became the most requested form of assistance, as reported by 24 per cent of those States parties (see figure 7). The proportion of States parties indicating no need for assistance fell significantly, from 22 to 12 per cent.

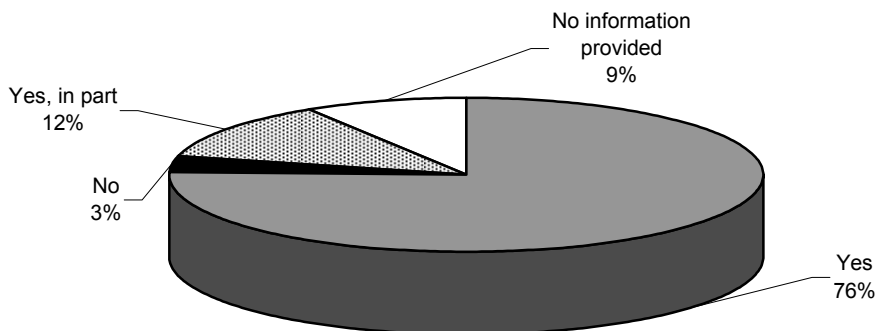
Figure 7
Types of technical assistance needed by the 29 States parties that reported partial or no implementation of article 6 of the Convention



3. Public procurement and management of public finances (article 9)

26. During the reporting period from 30 November 2007 to 8 June 2009, a significant rise from 56 to 76 per cent was recorded in the percentage of States parties reporting full compliance with the requirements on public procurement and management of public finances set forth in article 9 (see figure 8).

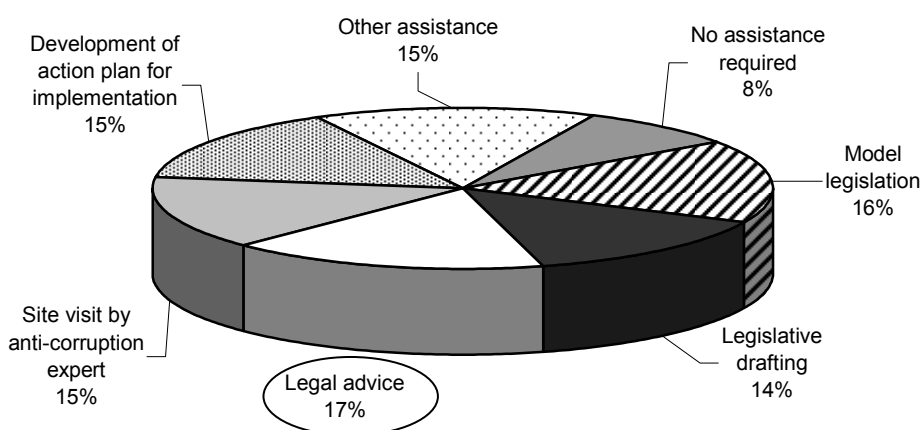
Figure 8
Proportion of States parties reporting full, partial or no implementation of article 9 of the Convention and proportion of States parties providing no information on the matter
 (Percentage)



27. The predominant form of technical assistance required to achieve full compliance with article 9 of the Convention is legal advice, as requested by 17 per cent of the States parties reporting partial or no implementation of this article. From 30 November 2007 to 8 June 2009, there was an increase in the proportion of States requesting a site visit by an anti-corruption expert (from 8 to 15 per cent). Meanwhile, the proportion of States parties requesting assistance in developing an action plan for implementing article 9 fell from 19 per cent to 15 per cent (see figure 9). As at 8 June 2009, eight per cent of reporting States parties indicated no need for assistance, eight per cent less compared with the figure for 30 November 2007.

Figure 9

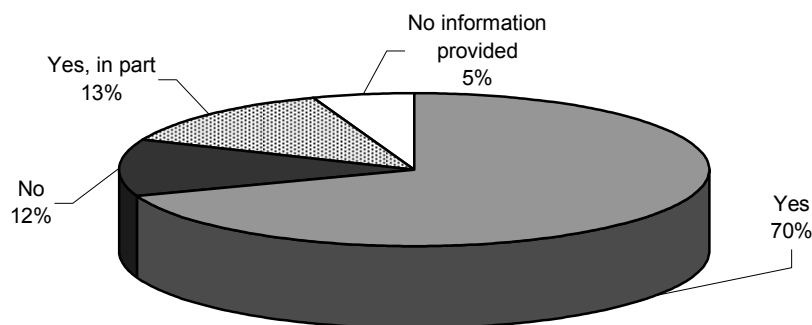
Types of technical assistance needed by the 34 States parties that reported partial or no implementation of article 9



B. Criminalization and law enforcement (chapter III of the Convention)

28. As at 8 June 2009, 70 per cent of reporting States parties had implemented all the provisions in chapter III of the Convention, while 13 per cent had reported partial compliance. Five per cent of reporting States had provided no information on the matter and 12 per cent had reported that they had not complied with the provisions of chapter III of the Convention (see figure 10).

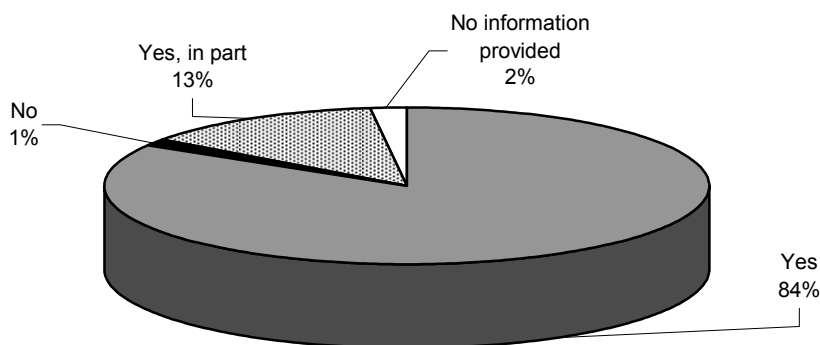
Figure 10
Proportion of States parties reporting full, partial or no implementation of chapter III of the Convention and proportion of States parties reporting no information on the matter
 (Percentage)



1. Bribery of national public officials (article 15)

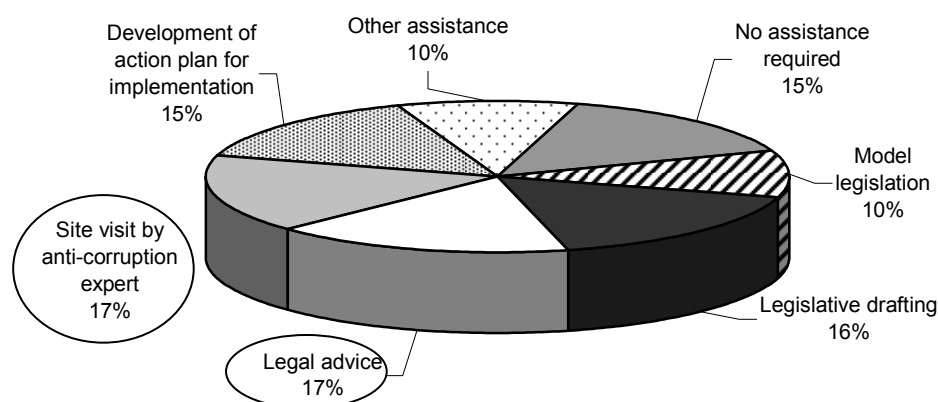
29. Between 30 November 2007 and 8 June 2009, the proportion of States parties reporting full implementation of article 15, requiring the criminalization of bribery of national public officials, increased from 82 to 84 per cent. The proportion of States parties reporting partial implementation of that article rose from 12 per cent to 13 per cent (see figure 11).

Figure 11
Proportion of States parties reporting full, partial or no implementation of article 15 of the Convention
 (Percentage)



30. Between 30 November 2007 and 8 June 2009, the proportion of States requesting legal advice rose from 11 to 17 per cent. The same proportion of States requested a site visit by an anti-corruption expert to implement article 15. Meanwhile, the proportion of States parties requesting no assistance in implementing article 15 decreased by more than half, from 32 to 15 per cent (see figure 12).

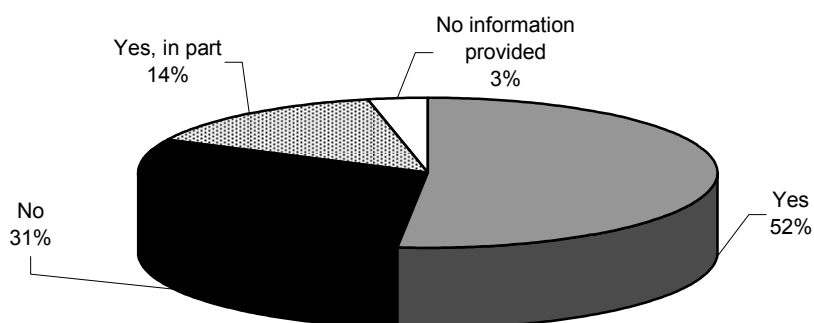
Figure 12
Types of technical assistance needed by the 14 States parties that reported partial or no implementation of article 15 of the Convention



2. Bribery of foreign public officials and officials of public international organizations (article 16)

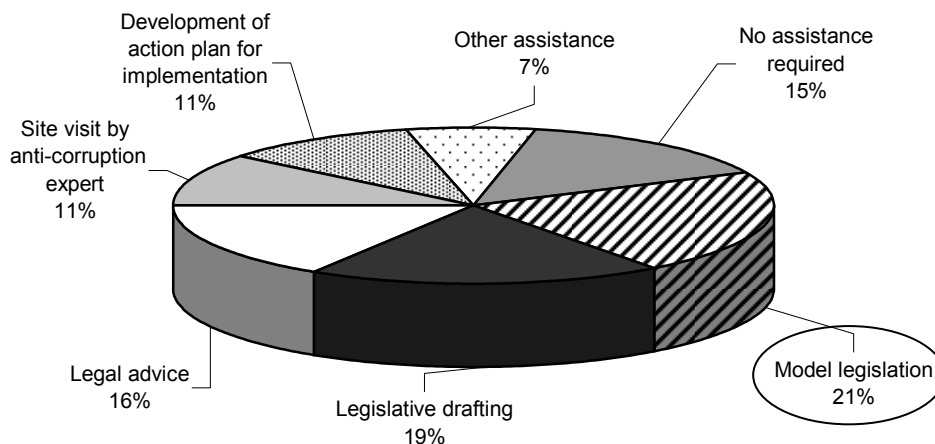
31. Between 30 November 2007 and 8 June 2009, the proportion of States parties indicating full compliance with article 16, which provides for the criminalization of foreign public officials and officials of public international organizations, rose from 48 to 52 per cent. However, the proportion of States parties indicating no implementation almost doubled, from 16 to 31 per cent (see figure 13).

Figure 13
Proportion of States parties reporting full, partial or no implementation of article 16 of the Convention
 (Percentage)



32. Between 30 November 2007 and 8 June 2009, there was an increase in the proportion of States parties requesting assistance in legislative drafting (from 14 to 19 per cent) and legal advice (from 14 to 16 per cent) to ensure full implementation of article 16. Although help in drafting model legislation was the most sought-after type of technical assistance, the proportion of States requesting it fell from 26 to 21 per cent (see figure 14).

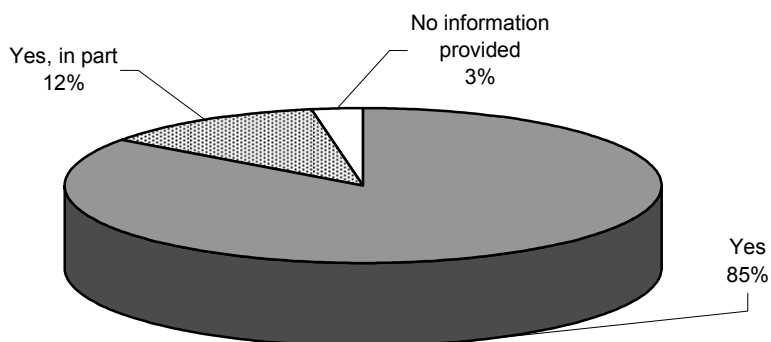
Figure 14
Types of technical assistance needed by the 38 States parties that reported partial or no implementation of article 16 of the Convention



3. Embezzlement, misappropriation or other diversion of property by a public official (article 17)

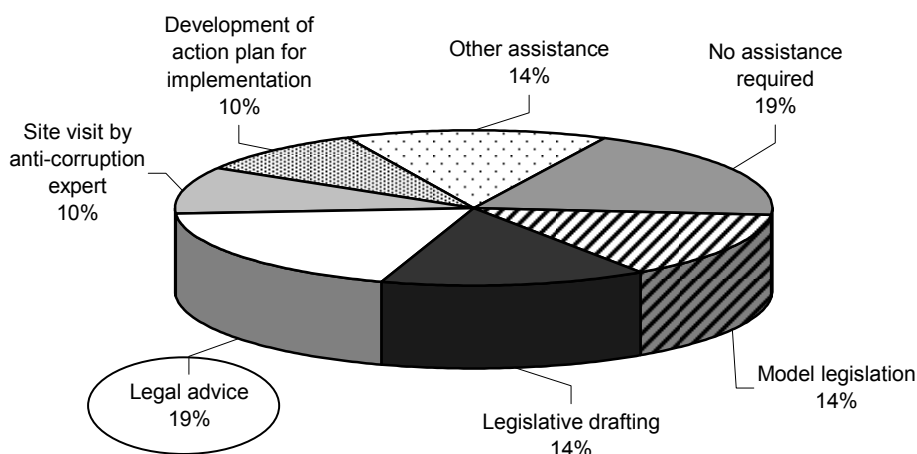
33. Between 30 November 2007 and 8 June 2009, there was a decrease in the proportion of States parties indicating full implementation of article 17, providing for the criminalization of embezzlement, misappropriation or other diversion of property by a public official. The proportion of States parties reporting full compliance with article 17 fell from 91 to 85 per cent (see figure 15).

Figure 15
States parties reporting full or partial implementation of article 17 of the Convention
 (Percentage)



34. While as at 30 November 2007, 21 per cent of States parties required no assistance in ensuring full implementation of article 17, as at 8 June 2009, this percentage has fallen to 19 per cent. The proportion of States parties requesting legal advice rose from 18 to 19 per cent (see figure 16).

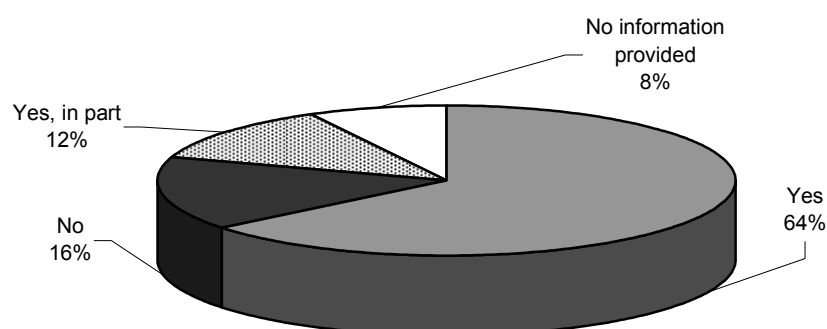
Figure 16
Types of technical assistance needed by the nine States parties that reported partial implementation of article 17 of the Convention



4. Laundering of proceeds of crime (article 23)

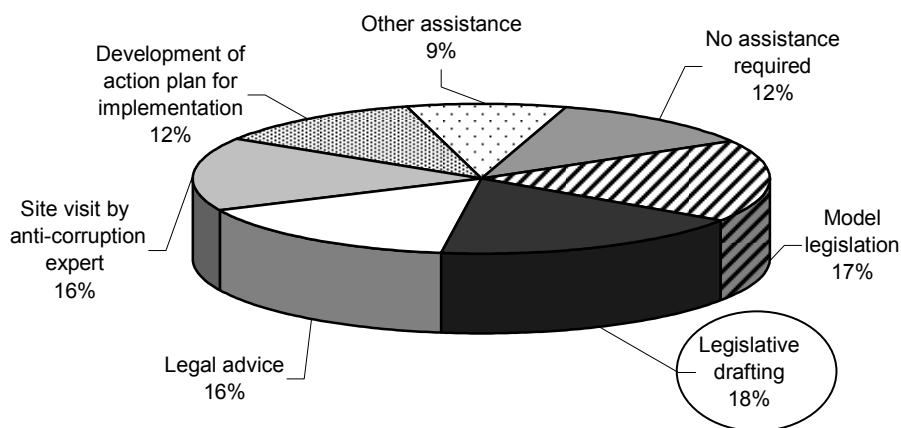
35. While as at 30 November 2007, 79 per cent of States parties reported full compliance with article 23, providing for the criminalization of laundering of proceeds of crime, as at 8 June 2009, this figure has fallen to 64 per cent. Furthermore, the percentage of States parties indicating partial compliance has fallen from 16 to 12 per cent over the reporting period, while a significant rise in States parties reporting no implementation of article 23, from 3 to 16 per cent, can be observed (see figure 17).

Figure 17
Proportion of States parties reporting full, partial or no implementation of article 23 of the Convention and percentage of States parties providing no information on the matter
 (Percentage)



36. In relation to article 23, between 30 November 2007 and 8 June 2009, there was an increase in the proportion of reporting States parties indicating a need for assistance with legislative drafting and model legislation (from 13 to 18 per cent and from 13 to 17 per cent, respectively), thereby making those the most sought-after types of technical assistance (see figure 18).

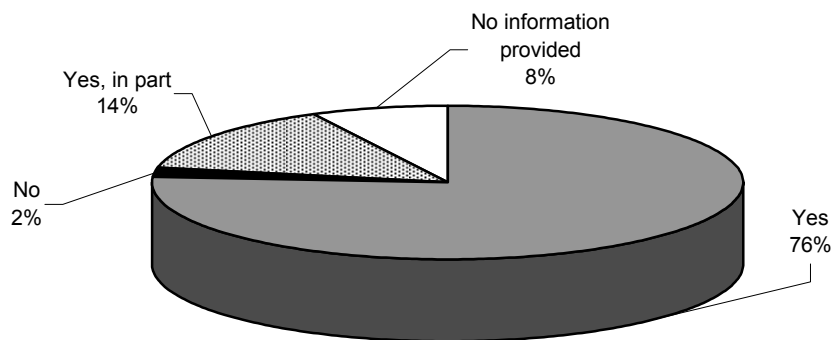
Figure 18
Types of technical assistance needed by the 27 States parties that reported partial or no implementation of article 23 of the Convention



5. Obstruction of justice (article 25)

37. Between 30 November 2007 and 8 June 2009, the proportion of States parties indicating partial compliance with article 25, providing for the criminalization of obstruction of justice, fell from 22 to 14 per cent. Two per cent of the States parties reported no compliance, while the proportion of parties indicating full implementation remained at 76 per cent (see figure 19).

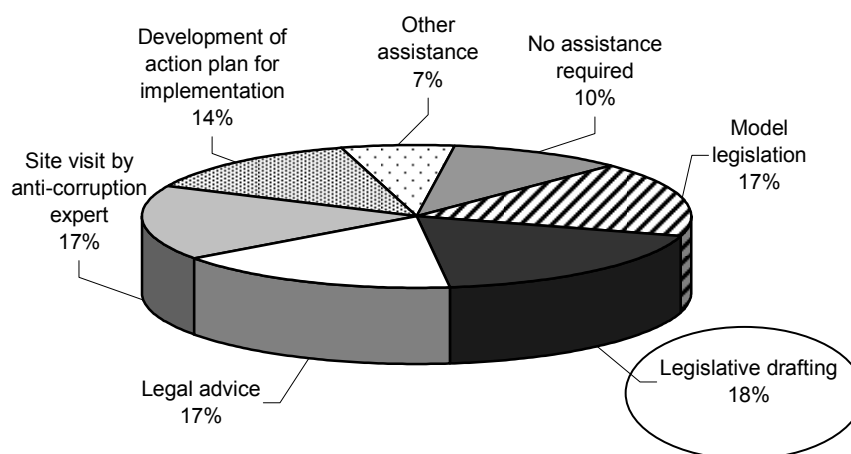
Figure 19
Proportion of States parties reporting full, partial or no implementation of article 25 of the Convention and States parties providing no information on the matter
 (Percentage)



38. Legislative drafting became the main type of assistance requested to ensure full implementation of article 25, increasing from 16 to 18 per cent between 30 November 2007 and 8 June 2009. Over the reporting period, the proportion of States requesting assistance in developing an action plan for implementation decreased from 16 to 14 per cent (see figure 20).

Figure 20

Types of technical assistance needed by the 19 States parties that reported partial or no implementation of article 25 of the Convention



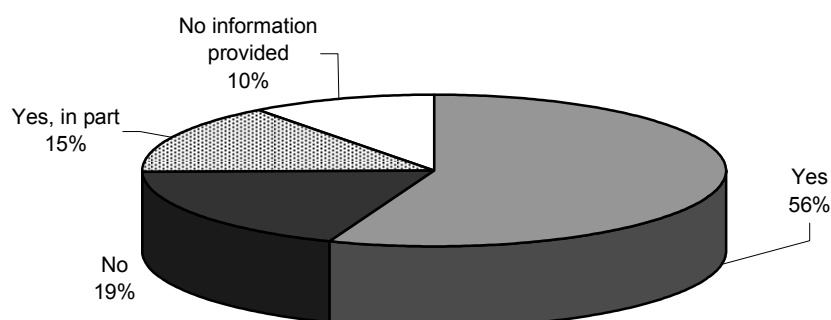
C. Asset recovery (chapter V of the Convention)

39. As at 8 June 2009, 56 per cent of reporting States had reported implementation of all the provisions in chapter V of the Convention, while 15 per cent had reported partial compliance. Nineteen per cent of reporting States had not implemented the provisions in chapter V and ten per cent had provided no information on the matter (see figure 21).

Figure 21

Proportion of States parties reporting full, partial or no implementation of chapter V of the Convention and proportion of States parties providing no information on the matter

(Percentage)



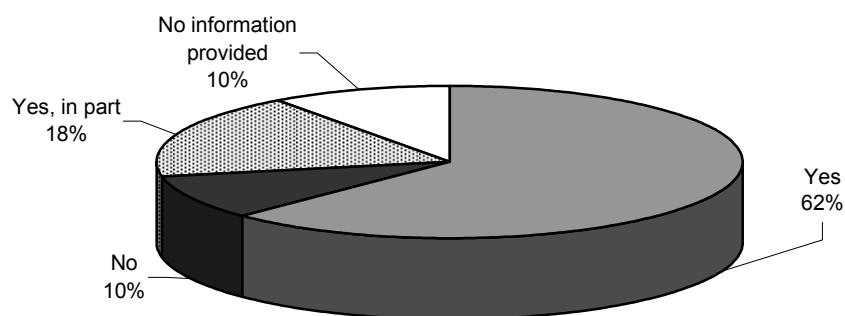
1. Prevention and detection of transfers of proceeds of crime (article 52)

40. From 30 November 2007 to 8 June 2009, the proportion of States parties reporting full compliance with the requirements on prevention and detection of transfers of proceeds of crime as set forth in article 52 more than doubled, rising from 27 to 62 per cent. Meanwhile, the proportion of States parties indicating that they had not implemented article 52 increased from 0 to 10 per cent. Ultimately, the percentage of States indicating partial implementation of article 52 fell drastically, from 71 to 18 per cent (see figure 22).

Figure 22

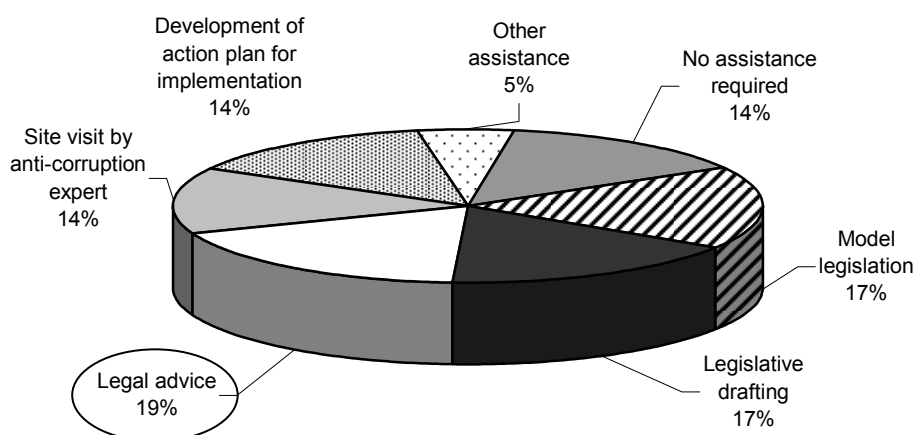
Proportion of States parties reporting full, partial or no implementation of article 52 of the Convention and proportion of States parties providing no information on the matter

(Percentage)



41. As at 30 November 2007, the type of technical assistance most requested in order to ensure full implementation of article 52 of the Convention was help with the development of an action plan for implementation, which was requested by 18 per cent of States parties that reported partial or no implementation. As at 8 June 2009, legal advice, model legislation and legislative drafting became the forms of technical assistance most sought-after to facilitate the implementation of article 52 (see figure 23).

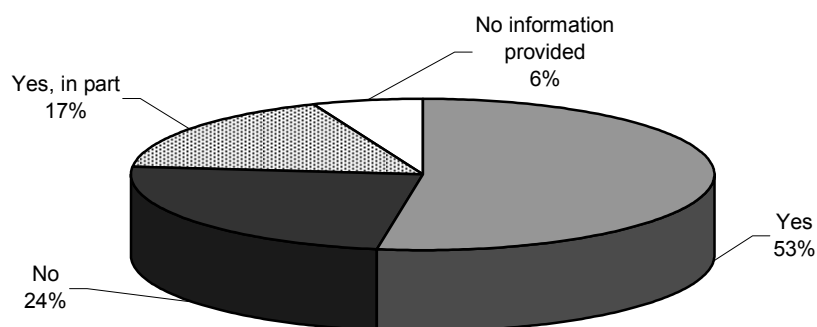
Figure 23
Types of technical assistance needed by the 45 States parties that reported partial or no implementation of article 52 of the Convention



2. Measures for direct recovery of property (article 53)

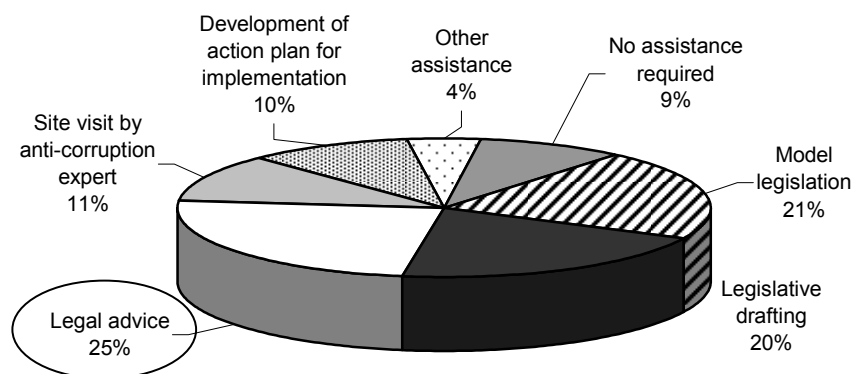
42. In relation to the measures for direct recovery of property as required by article 53, the proportion of States parties reporting partial or no implementation of article 53 decreased by more than half, from 36 to 17 per cent, from 30 November 2007 to 8 June 2009. During the same period, the proportion of States parties reporting that they had not implemented article 53 increased significantly, from 11 to 24 per cent (see figure 24).

Figure 24
Proportion of States parties reporting full, partial or no implementation of article 53 of the Convention and proportion of States parties providing no information on the matter
 (Percentage)



43. The need for legal advice in order to achieve full compliance with article 53 was reiterated. As at 30 November 2007, that type of assistance had been requested by 22 per cent of States parties reporting partial or no implementation of that article, while as at 8 June 2009, that figure had reached 25 per cent (see figure 25).

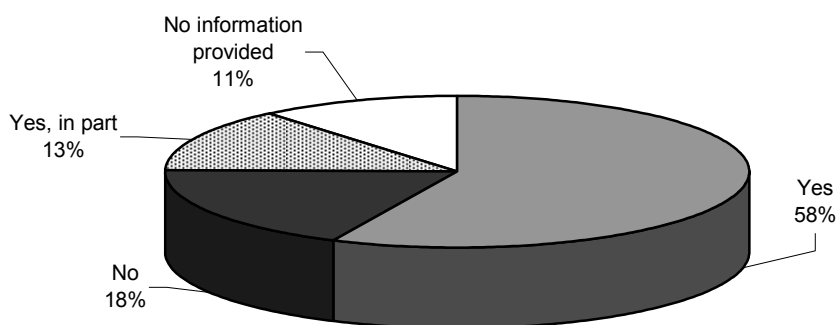
Figure 25
Types of technical assistance needed by the 43 States parties that reported partial or no implementation of article 53 of the Convention



3. Mechanisms for recovery of property through international cooperation in confiscation (article 54)

44. In relation to the implementation of mechanisms for the recovery of property through international cooperation in confiscation (article 54 of the Convention), the proportion of reporting States parties indicating full compliance rose from 38 to 58 per cent between 30 November 2007 and 8 June 2009. Accordingly, the proportion of States parties reporting partial implementation of article 54 decreased during that period, from 53 to 13 per cent (see figure 26).

Figure 26
Proportion of States parties reporting full, partial or no implementation of article 54 of the Convention and proportion of States parties providing no information on the subject (Percentage)

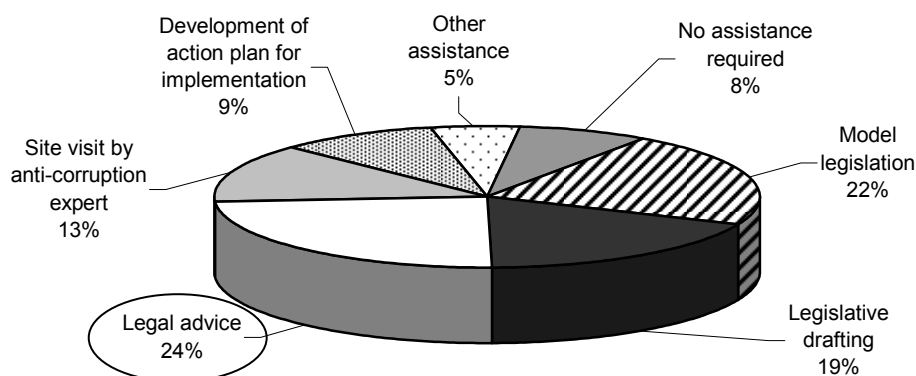


45. Legal advice remained the most sought-after type of technical assistance for ensuring full implementation of article 54 of the Convention. As at 8 June 2009, 24 per cent of States parties reporting partial or no implementation of that article

requested such assistance, an increase of 3 per cent compared with November 2007 (see figure 27).

Figure 27

Types of technical assistance needed by the 44 States parties that reported partial or no implementation of article 54 of the Convention



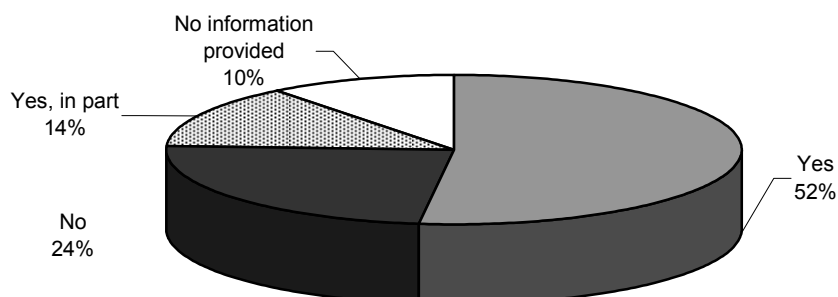
4. International cooperation for purposes of confiscation (article 55)

46. In relation to the requirements on international cooperation for purposes of confiscation as prescribed by article 55, 52 per cent of reporting States parties indicated full compliance as at 8 June 2009, thus 15 per cent less than as at 30 November 2007. Meanwhile, the proportion of reporting States parties indicating no compliance with that article more than doubled from 11 per cent as at 30 November 2007 to 24 per cent as at 8 June 2009 (see figure 28).

Figure 28

Proportion of States parties reporting full, partial or no implementation of article 55 of the Convention and proportion of States parties providing no information on the matter

(Percentage)

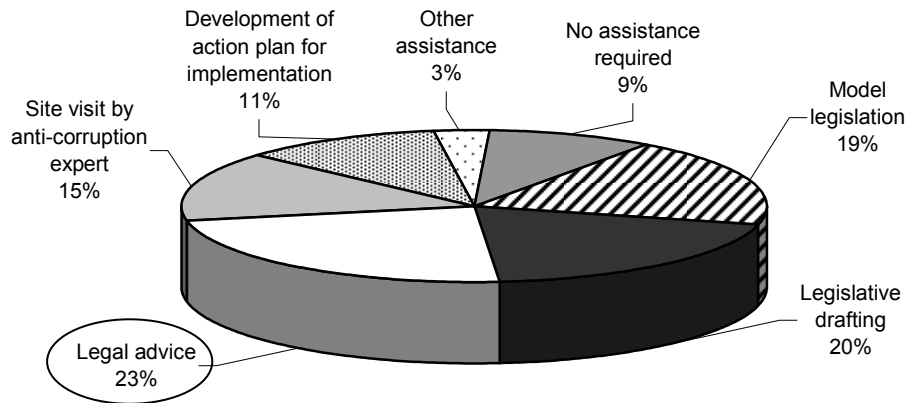


47. While as at 30 November 2007, the main type of technical assistance requested by reporting States parties to facilitate full implementation of article 55 of the Convention was help with developing model legislation, as at 8 June 2009, legal

advice became the most sought-after type of assistance. Over the reporting period, the proportion of States parties requesting legal advice increased from 20 to 23 per cent (see figure 29).

Figure 29

Types of technical assistance needed by the 31 States parties reporting partial or no implementation of article 55 of the Convention



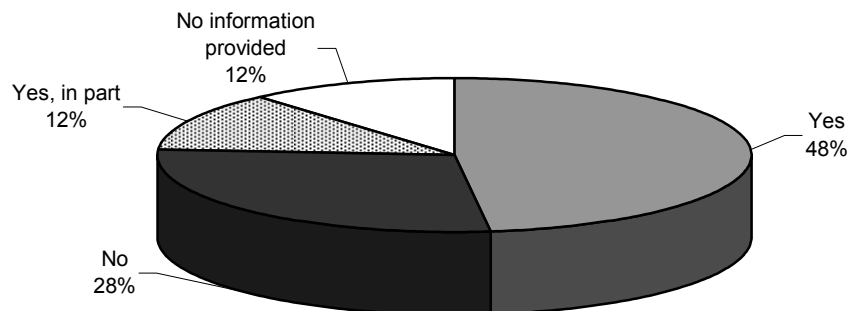
5. Return and disposal of assets (article 57)

48. In relation to the return and disposal of assets as prescribed by article 57, the proportion of reporting States parties indicating full implementation rose from 44 to 48 per cent from 30 November 2007 to 8 June 2009. However, the proportion of States parties reporting no compliance with the article under review more than doubled, increasing from 11 to 28 per cent during the same period (see figure 30).

Figure 30

Proportion of States parties reporting full, partial or no implementation of article 57 of the Convention and proportion of States parties providing no information on the matter

(Percentage)

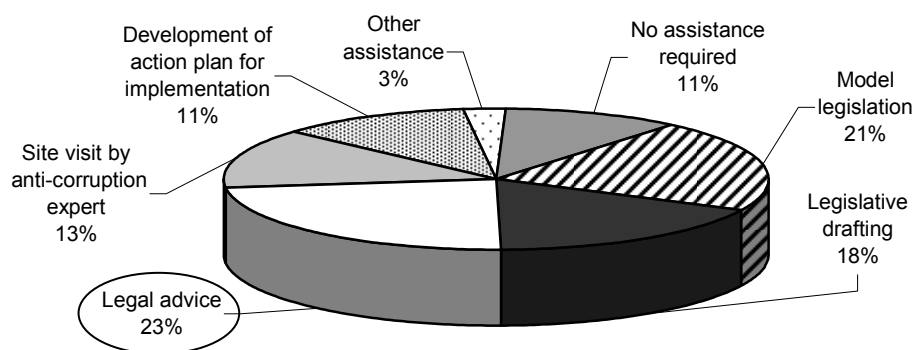


49. Legal advice remained the type of technical assistance most requested to achieve full compliance with article 57 of the Convention. During the reporting

period, the proportion of States parties requesting that type of assistance rose from 19 to 23 per cent (see figure 31).

Figure 31

Types of technical assistance needed by the 46 States parties reporting partial or no implementation of article 57 of the Convention



IV. Global technical assistance needs

50. Of the 72 States parties that submitted self-assessment reports by 8 June 2009, 68 per cent (over two thirds) requested technical assistance in order to ensure full compliance with the articles of the Convention under review. The most requested types of assistance were legal advice (20 per cent of States parties), model legislation (19 per cent) and legislative drafting (17 per cent). These figures were not substantively different from those of 30 November 2007, when 21 per cent of States requested legal advice, 18 per cent needed help with model legislation and 18 per cent requested assistance with legislative drafting (see figure 32).

Figure 32

Types of technical assistance needed by the States parties requesting it

