The United Nations Convention against Corruption and its Review Mechanism
1. General information related to the Convention
2. Decision-making bodies
3. Implementation Review Mechanism
4. Self-assessment checklist
5. Tools to assist in the reviews
The United Nations Convention against Corruption

Adopted by the General Assembly: Resolution 58/4, 31 October 2003
Entry into Force: 14 December 2005

Parties: 186
Status as of: 26 June 2018
The United Nations Convention against Corruption

- Preventive measures
- Asset recovery
- Criminalization and law enforcement
- International cooperation
Levels of obligation

1. Mandatory provisions
   Each State Party shall disallow the tax deductibility of expenses that constitute bribes […] (art. 12, para. 4)

2. Obligation to consider/endeavour to adopt
   Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes […] (art. 8, para. 6)

3. Optional provisions
   Where appropriate, States Parties may also give special consideration to concluding agreements or mutually acceptable arrangements, on a case-by-case basis, for the final disposal of confiscated property (art. 57, para. 5).
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The Conference of the States Parties (art. 63)

Promote and review implementation
Make recommendations
Facilitate information exchange

CoSP 1
Dec 2006
Jordan

CoSP 2
Jan 2008
Qatar

CoSP 3
Nov. 2009
Morocco

CoSP 4
Oct. 2011
Panama

CoSP 5
Nov. 2013
Russian Federation

CoSP 6
Nov. 2015
Panama

CoSP 7
Nov. 2017
Austria
Subsidiary bodies to the Conference of the States Parties

- Implementation Review Group
- Open-ended Intergovernmental Working Group on Prevention
- Open-ended Intergovernmental Working Group on Asset Recovery
- Open-ended intergovernmental expert meetings to enhance international cooperation under the Convention
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The Implementation Review Mechanism

Art. 63, para. 7:

[...] the Conference of the States Parties shall establish, if it deems it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.
Implementation Review Group

• Established by the Conference at its first session (Jordan, 2006)
• Tasked with preparing terms of reference of a review mechanism at the second session of the Conference (Indonesia, 2008)
• Implementation Review Mechanism established at the third session of the Conference (resolution 3/1, Doha, 2009)
Resolution 3/1:
- Establishes the Implementation Review Mechanism
- Contains the Terms of Reference for the Mechanism
- Based on the outcome of the deliberations in the Implementation Review Group.

Resolution 6/1
- Second review cycle is launched
Goals of the Mechanism: (para. 11, TORs)

- Assist States parties in their implementation of the Convention
- Help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance;
- Promote and facilitate international cooperation in the prevention of and the fight against corruption, including in the area of asset recovery;
- Promote and facilitate the exchange of information, practices and experiences gained in the implementation of the Convention;
Overview of the Terms of Reference

• Peer review process
• Drawing of lots for each year of the review cycle
• Each phase = two cycles of five years (2010-2015; 2016-2021)
  ✓ First cycle: Chapters III (Criminalization and law enforcement); and IV (International cooperation)
  ✓ Second cycle: Chapters II (Preventive measures); and V (Asset recovery)
Guiding principles

- Non adversarial/ non punitive/ no rankings
- Opportunity to share good practices and challenges
- Assist States in implementing the Convention
- Balanced geographical approach
- Technical/ Intergovernmental nature
- Complement existing review mechanisms
- Diversity of legal systems and levels of development
- Confidentiality
Stages of the review

1) Self-assessment
2) Desk review
3) Dialogue between State under review and reviewing States
4) Direct dialogue (country visit or joint meeting)
5) Final review report and executive summary

What is the timeframe?
Role of the Secretariat
Blueprint of country review reports

(a) Summary of information relevant to reviewing the implementation of the article

(b) Observations on the implementation of the article

(c) Successes and good practices

(d) Challenges, where applicable

(e) Technical assistance needs
Module schedule for country reviews – Start: 29 June 2018

**Within 3 weeks** (13 July)
State under review nominates focal point
Deadline for reviewing expert nominations: 13 July

**Within 1 month** (30 July)
Secretariat organizes tele/videoconference:
- Submission of SACL
- Language of review
- Division of labour
- Active dialogue

**Within 1 month** (28 September)
State under review submits self-assessment

**Within 1 month** (20 October)
Reviewing experts submit outcome of the desk review

**Within 2 months** (29 August)
State under review agrees to final report, executive summary is prepared

**Preferably within 5 months** (20 November)
Reviewers prepare draft country report assisted by secretariat, State under review agrees to final report, executive summary is prepared

**Within 6 months** (20 December 2018)
End of review
Looking forward

First cycle: moving towards completion
- 164 executive summaries now completed and available
- More nearing finalization

Second cycle: Prevention and Asset Recovery
- Launch of 2\textsuperscript{nd} cycle – start of reviews: 4 July 2016
- Development of expertise and good practices in these areas
- Lessons learned from first cycle
- 11 executive summaries completed
1. General information related to the Convention
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Stages of the review

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What is the timeframe?
Role of the Secretariat
Conference resolution 3/1:
The Conference ...

• 6. *Decides that a comprehensive self-assessment checklist shall be used* as a tool to facilitate the provision of information on implementation of the United Nations Convention against Corruption;

• [...]  

• 9. *Requests States parties to complete and return the checklist* to the Secretariat according to the time frame established in the guidelines for governmental experts and the secretariat in the conduct of country reviews;
The self-assessment checklist

Used in the first cycle
Adapted for the second cycle and approved by the Implementation Review Group in June 2016
Parts to be answered: General information, chapters II and V

Available for download from our website:

Also available:
- Self-assessment checklist as PDF document
- Guidance notes
1. Is your country in compliance with this provision?
   Yes/Yes, in part/No

2. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

3. Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.
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Documents for the Review Mechanism

- Convention
- COSP resolutions
- Terms of Reference of the Review Mechanism
- Guidelines for Governmental experts and the Secretariat
- Blueprint for country review reports and executive summaries
- Guidance document for filling in self-assessment checklist

Executive Summaries and other documents available on UNODC Website: http://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html
Additional resources:

- Travaux préparatoires
- Legislative Guide
- Technical Guide
- State of implementation report
- Additional tools
  - (e.g. art. 11, StAR Initiative documents)
SUSTAINABLE DEVELOPMENT GOAL 16

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

16.1 Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime

16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all.

16.4 ... reduce illicit financial flows... strengthen the recovery and return of stolen assets and combat all forms of organized crime.

16.5 Substantially reduce corruption and bribery in all their forms

16.6 Develop effective, accountable and transparent institutions at all levels

16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels

16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements
Relevant targets and indicators:

16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime

- 16.4.1 Total value of inward and outward illicit financial flows (USD)

16.5 Substantially reduce corruption and bribery in all their forms

- 16.5.1 Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months

- 16.5.2 Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months
For further information:

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