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
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The United Nations Convention against Corruption

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

Signatories: 140
Parties: 184

- States Parties
- Signatories
- Countries that have not signed or ratified the UNCAC
The United Nations Convention against Corruption

- Preventive measures
- Criminalization and law enforcement
- Asset recovery
- 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, facilitate & review Implementation

Make recommendations

Facilitate information exchange

CoSP 1
Dec 2006
Jordan

CoSP 2
Nov. 2009
Qatar

CoSP 3
Nov. 2009
Indonesia

CoSP 4
Oct. 2011
Morocco

CoSP 5
Nov. 2013
Panama

CoSP 6
Nov. 2015
Russian Federation

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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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.
Working Group on Review of Implementation

- 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 Working Group on Review of Implementation

Resolution 6/1:
➢ Launches the second review cycle
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
• One 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 other States
4) Direct dialogue (country visit or joint meeting)
5) Final review report and executive summary

What is the timeframe?
Role of the Secretariat
Module schedule for country reviews – Start: 25 June 2018

Within 3 weeks (16 July)
State under review nominates focal point
Deadline for reviewing expert nominations: 18 July

Within 1 month (25 July)
Secretariat organizes tele/videoconference:
• Submission of SACL
• Language of review
• Division of labour
• Active dialogue

Within 2 months (25 August)
State under review submits self-assessment

Preferably within 5 months (25 November)
Secretariat circulates checklist to reviewing experts, after translation

Within 1 month (25 September)
Reviewing experts submit outcome of the desk review

Within 1 month (25 October)
Secretariat organizes tele/video conference to introduce outcome of the desk review

Within 6 months (25 December 2018)
Reviewers prepare draft country report assisted by secretariat, State under review agrees to final report, executive summary is prepared

End of review

Dialogue: up to 2 months (until 25 December 2018)
State under review organizes direct dialogue, facilitated by secretariat (joint meeting or country visit)
Looking forward

First cycle: moving towards completion
- 162 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
- 7 executive summaries completed
Impact of the Review Mechanism

- Legislative reform: before and after review
- Increased domestic coordination and dialogue
- Opportunity for capacity-building
- Sharing of experiences and good practices with reviewing and reviewed States
- Action plan: prioritization of country-owned technical assistance needs
- Donor roundtables and donor coordination platforms
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What is the timeframe?
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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;

7. […]

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.
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
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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:
Additional resources:

➢ Travaux préparatoires
➢ Legislative Guide
➢ Technical Guide
➢ State of implementation report
➢ Additional tools
➢ (e.g. art. 11, StAR Initiative documents)
For further information:

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