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. Tools to assist in the reviews
1. General information related to the Convention
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4. 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
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).
1. General information related to the Convention
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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
Jan 2008
Indonesia

CoSP 3
Nov. 2009
Qatar

CoSP 4
Oct. 2011
Morocco

CoSP 5
Nov. 2013
Panama

CoSP 6
Nov. 2015
Russian Federation
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
1. General information related to the Convention
2. Decision-making bodies
3. Implementation Review Mechanism
4. Tools to assist in the reviews
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.
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
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 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: 4 July 2016

**Within 3 weeks (25 July)**
State under review nominates focal point

**Within 1 month (4 August)**
State under review organizes tele/videoconference:
- Submission of SACL
- Language of review
- Division of labour
- Active dialogue

**Deadline for reviewing expert nominations: 18 July**

**Within 2 months (4 September)**
State under review submits self-assessment

**Within 1 month (4 October)**
Secretariat circulates checklist to reviewing experts, after translation

**Within 1 month (4 November)**
Reviewing experts submit outcome of the desk review

**Dialogue: up to 2 months (until 4 January 2017)**
State under review organizes direct dialogue, facilitated by secretariat (joint meeting or country visit)

**Preferably within 5 months (4 December)**
Reviewers prepare draft country report assisted by secretariat, State under review agrees to final report, executive summary is prepared

**End of review**

**Within 6 months (4 January 2017)**
Looking forward

First cycle: moving towards completion
• 139 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
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
1. General information related to the Convention
2. Decision-making bodies
3. Implementation Review Mechanism
4. Tools to assist in the reviews
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:
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.
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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