



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

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Item 2 of the provisional agenda*

**Review of the implementation of the United Nations
Convention against Corruption**

**Implementation of chapter II (Preventive measures) and
chapter V (Asset recovery) of the United Nations
Convention against Corruption**

Regional supplement

Thematic report prepared by the Secretariat

Summary

The present report complements the thematic reports on the implementation of chapter II (Preventive measures) and chapter V (Asset recovery) of the United Nations Convention against Corruption ([CAC/COSP/2023/4](#) and [CAC/COSP/2023/5](#)) and on the implementation of provisions of a cross-cutting nature in those chapters ([CAC/COSP/2023/6](#)). It provides a summary of a regional analysis of the implementation of articles 5 to 14 and 51 to 59 of the Convention by States parties under review in the second cycle of the Mechanism for the Review of Implementation of the Convention, based on the information available at 15 September 2023.

* [CAC/COSP/2023/1](#).



I. Introduction, scope and structure

1. In accordance with paragraphs 35 and 44 of the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, the present report contains information supplementing the thematic reports on the implementation of chapter II (Preventive measures), chapter V (Asset recovery) and provisions of a cross-cutting nature in those two chapters of the Convention ([CAC/COSP/2023/4](#), [CAC/COSP/2023/5](#) and [CAC/COSP/2023/6](#)), organized by geographical region. It provides an overview of successes, good practices, challenges and observations in relation to the implementation of articles 5 to 14 and 51 to 59 of the Convention at the regional level.¹

2. The structure of the present report follows that of the executive summaries of country review reports by clustering closely related articles and topics. Moreover, to facilitate the visual representation of the data, the figures contained in sections II and III of this report contain information regarding the data on cross-cutting issues in chapters II and V of the Convention, namely: asset declarations, financial disclosure systems and prevention of conflicts of interest (art. 7, para. 4; art. 8, para. 5; and art. 52, paras. 5 and 6); beneficial ownership identification (art. 12, para. 2 (c); art. 14, para. 1 (a); and art. 52, para. 1); and measures to prevent money-laundering, the prevention and detection of transfers of proceeds of crime, and financial intelligence units (arts. 14, 52 and 58). A more detailed analysis of these topics is provided under section IV.

3. The present report is based on information contained in the finalized executive summaries of and country review reports on the 82 reviews that had been completed by 15 September 2023, including 25 reviews completed for the Group of Asia-Pacific States, 23 for the Group of African States, 14 for the Group of Western European and other States, 9 for the Group of Eastern European States and 11 for the Group of Latin American and Caribbean States. The analysis presented in this report relates to the number of executive summaries finalized in each regional group, and graphs are used to facilitate a visual representation of the data, when suitable. The report is not intended to be comprehensive but, rather, is aimed at providing a summary of the information obtained through the country reviews completed under the second review cycle.

II. Implementation at the regional level of chapter II (Preventive measures) of the United Nations Convention against Corruption

A. Preventive anti-corruption policies and practices (art. 5) and preventive anti-corruption body or bodies (art. 6)

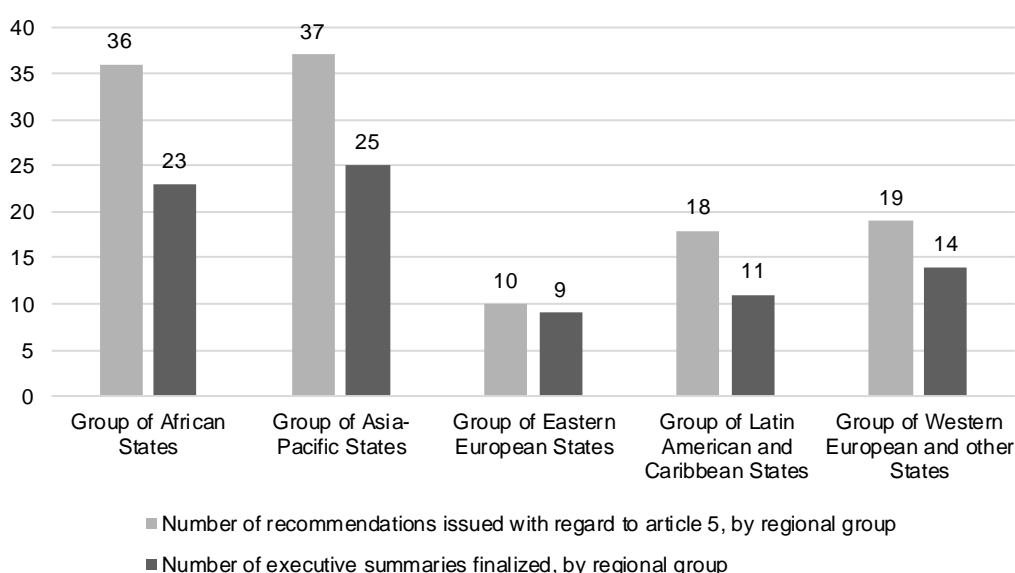
4. A total of 120 recommendations were issued with regard to the implementation of article 5 of the Convention. Information disaggregated by regional group can be found in table 1 and figure 1 below.

¹ In line with the outcome of the discussions of the Implementation Review Group, thematic reports and reports on implementation at the regional level are no longer anonymized. Countries whose good practices are cited as examples have therefore been identified in this report.

Table 1
Recommendations issued with regard to the implementation of article 5 of the Convention, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	19	36	82
Asia-Pacific States	25	20	37	80
Eastern European States	9	7	10	77
Latin American and Caribbean States	11	8	18	72
Western European and other States	14	12	19	85

Figure 1
Number of finalized executive summaries and recommendations issued with regard to article 5, by regional group



5. Reviewers issued a total of 65 recommendations relating to article 5, paragraph 1, of the Convention. The majority of recommendations issued related to the need to adopt anti-corruption policies or update deficient existing ones. In terms of the number of recommendations, Latin American and Caribbean States received the highest number of recommendations relative to the number of completed executive summaries.

6. With regard to effective practices aimed at the prevention of corruption (art. 5, para. 2), only 18 recommendations were issued, a figure significantly lower than that for paragraph 1 of the same article. For the regional distribution of those recommendations, see figure 2.

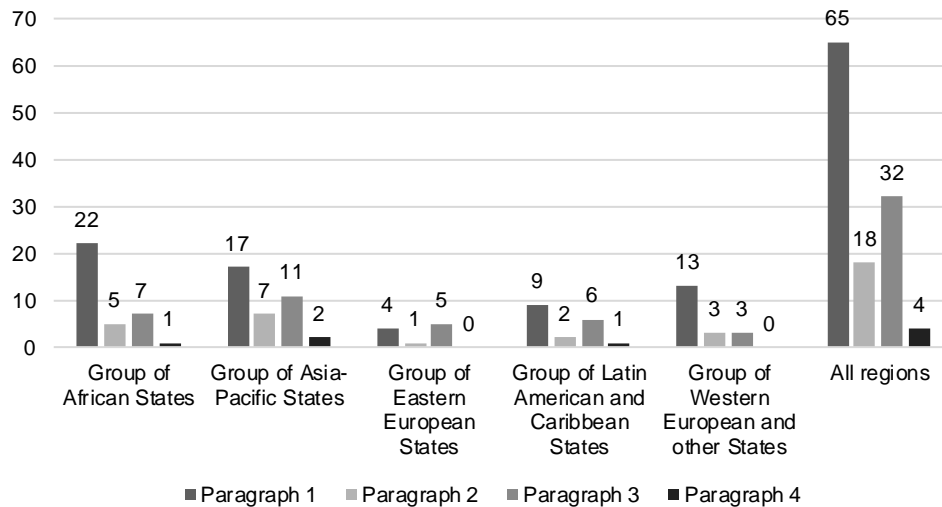
7. The periodic evaluation of legal instruments and administrative measures as described in article 5, paragraph 3, of the Convention was a challenge in 31 of the 82 States parties reviewed. In total, reviewers issued 32 recommendations for that provision (see figure 2). The majority of States in the Group of African States and the Group of Western European and other States already had some kind of evaluation mechanism in place and the recommendations focused on further enhancing those mechanisms. The opposite trend was observed among the other regional groups, in relation to which the majority of recommendations dealt with the need to evaluate legal and administrative measures or to establish new mechanisms to that end.

8. The implementation of article 5, paragraph 4, of the Convention, on collaboration among States parties and relevant international organizations, did not seem to pose a major challenge, as only four recommendations were issued to States parties belonging

to the Group of African States, the Group of Asia-Pacific States and the Group of Latin American and Caribbean States (see figure 2). In all those cases, reviewers recommended strengthening existing cooperation.

Figure 2

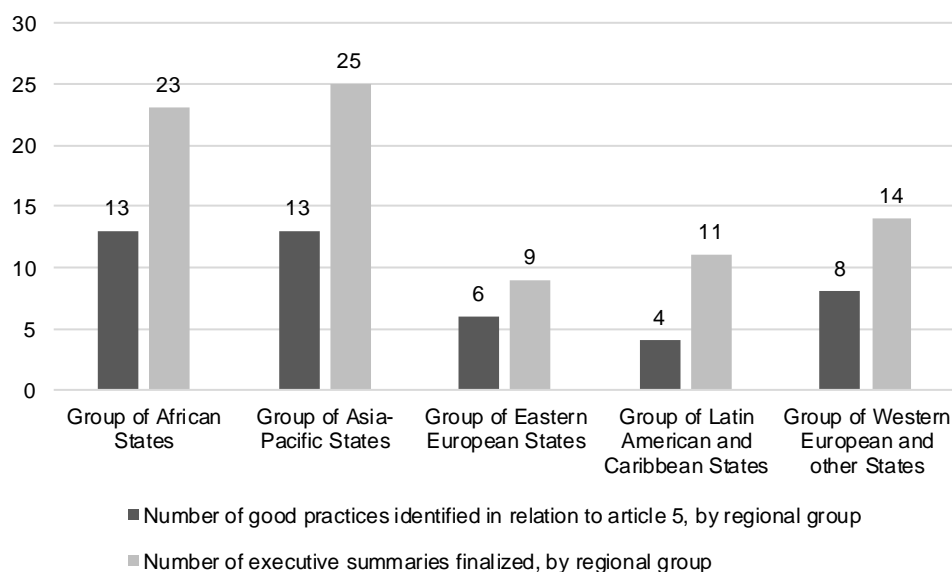
Number of recommendations issued with regard to the implementation of each paragraph of article 5, by regional group and in total



9. Reviewers identified good practices in the implementation of article 5 of the Convention in all regional groups (see figure 3). A total of 44 good practices were identified. In the same way that paragraph 1 of article 5 accounted for a higher number of recommendations than paragraph 2 of the same article, the former provision accounted for more than half of the total number of good practices (23) identified in relation to article 5.

Figure 3

Number of finalized executive summaries and good practices identified in relation to article 5, by regional group

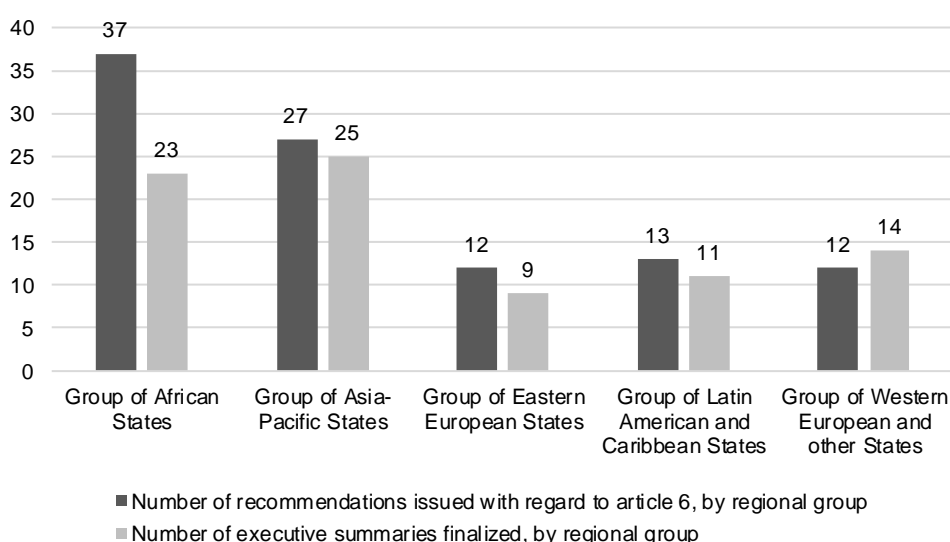


10. With regard to “preventive anti-corruption body or bodies” (article 6 of the Convention), a total of 101 recommendations were issued. Relevant data, disaggregated by regional group, can be found in table 2 and figure 4 below.

Table 2
Recommendations issued with regard to the implementation of article 6 of the Convention, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	20	37	86
Asia-Pacific States	25	18	27	72
Eastern European States	9	8	12	88
Latin American and Caribbean States	11	10	13	90
Western European and other States	14	9	12	64

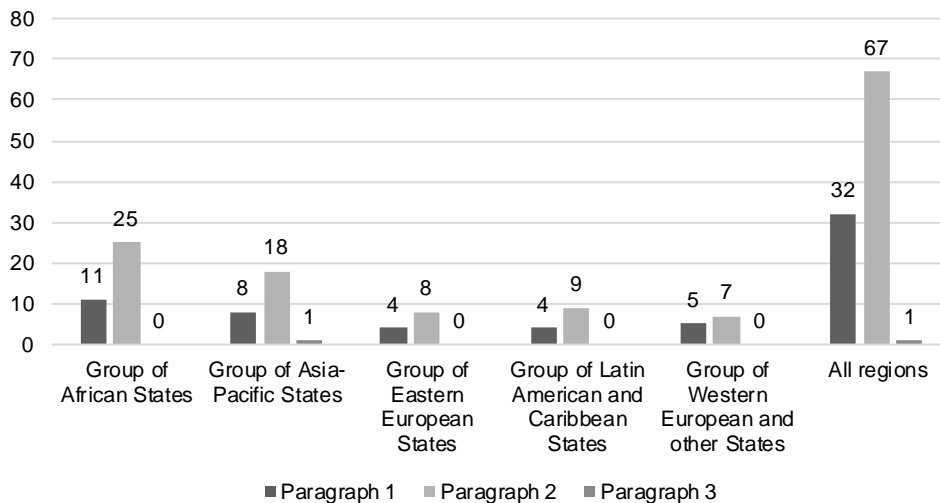
Figure 4
Number of finalized executive summaries and recommendations issued with regard to article 6, by regional group



11. The African States accounted for the highest relative number of States parties receiving recommendations (9 out of 23) related to article 6, paragraph 1, of the Convention, while the Latin American and Caribbean States accounted for the lowest relative number (2 out of 11).

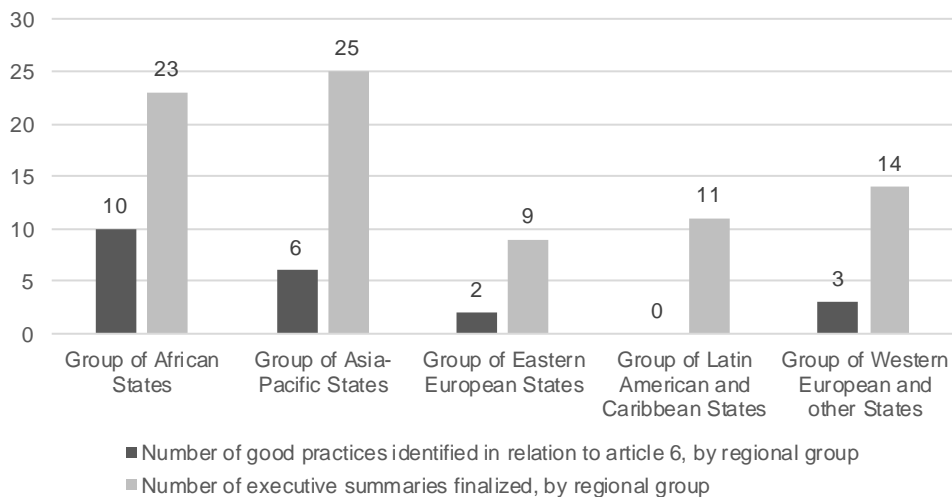
12. As can be seen in figure 5, the total number of recommendations issued in relation to the independence of preventive anti-corruption bodies (art. 6, para. 2) was more than twice the number issued in relation to the establishment of such a body (art. 6, para. 1) (67 compared with 32). The majority of the States parties analysed in this report (56 out of 82) received recommendations in that regard. Therefore, it may be inferred that, while States have generally established preventive anti-corruption bodies, the independence of those bodies and the provision of adequate resources remain a common challenge. In addition, the provision of specialized staff and training were mentioned in the recommendations made to States parties in all regional groups.

Figure 5
Number of recommendations issued with regard to the implementation of each paragraph of article 6, by regional group and in total



13. Reviewers identified good practices in all regional groups except for the Group of Latin American and Caribbean States, although it is important to note the low number of executive summaries finalized for that regional group (see figure 6). A similar trend was reported in the most recent regional supplement on the implementation of chapter II of the Convention.²

Figure 6
Number of finalized executive summaries and good practices identified in relation to article 6, by regional group



B. Public sector (art. 7), codes of conduct for public officials (art. 8)³ and measures relating to the judiciary and prosecution services (art. 11)

14. A total of 242 recommendations were issued to 80 States parties with respect to the implementation of article 7 of the Convention. Relevant data, disaggregated by regional group, can be found in table 3 and figure 7 below.

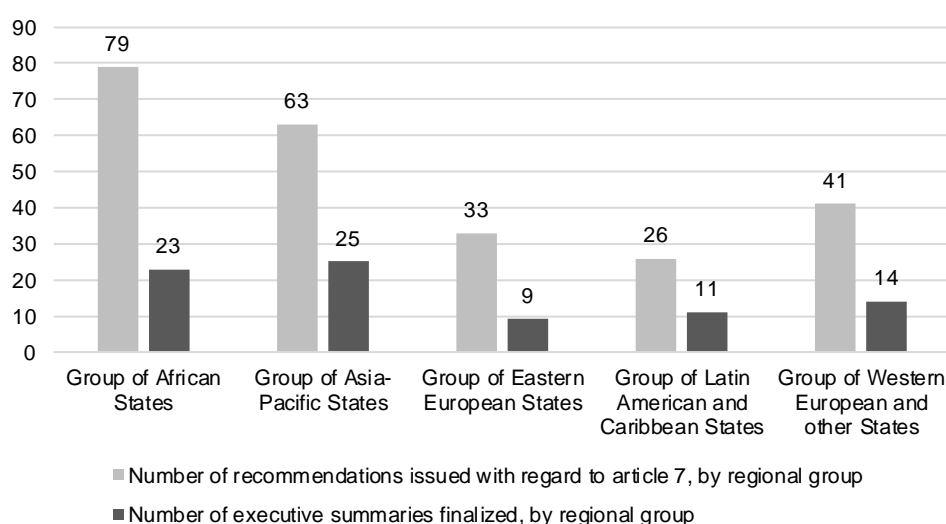
² See [CAC/COSP/IRG/2023/5/Add.1](#).

³ Paragraph 4 of article 7 and paragraph 5 of article 8 cover cross-cutting issues and are analysed in more detail under section IV of this report.

Table 3
Recommendations issued with regard to the implementation of article 7, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	22	79	95
Asia-Pacific States	25	24	63	96
Eastern European States	9	9	33	100
Latin American and Caribbean States	11	11	23	100
Western European and other States	14	14	41	100

Figure 7
Number of finalized executive summaries and recommendations issued with regard to article 7, by regional group

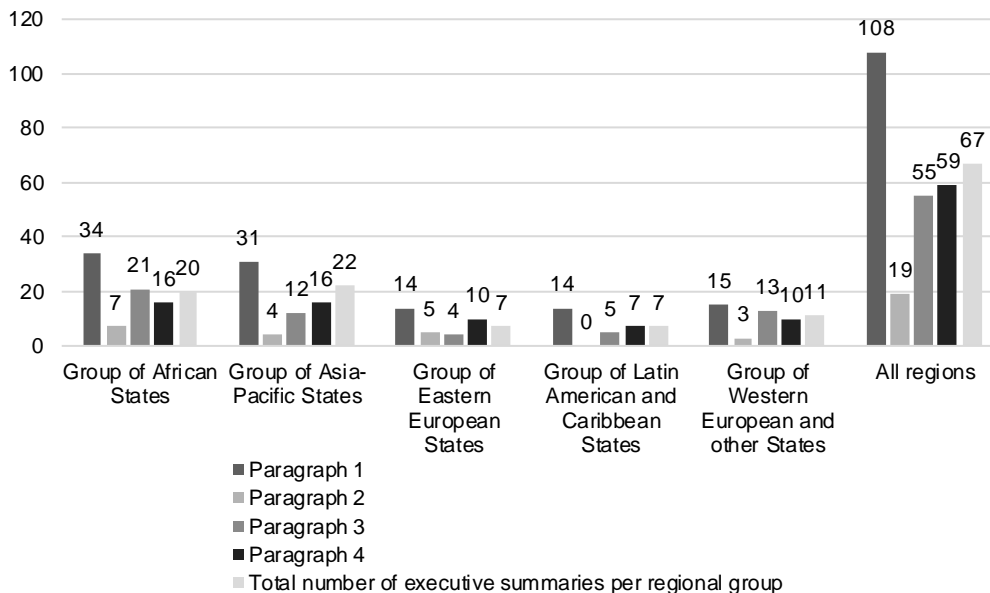


15. Recommendations related to paragraph 1 of article 7 for Asia-Pacific States, Western European and other States and Latin American and Caribbean States focused mainly on inadequate procedures for the selection and training of individuals for, and the rotation of individuals in, public positions considered especially vulnerable to corruption. Recommendations for African States focused mainly on insufficient transparency in the recruitment of public officials, training and rotation in the civil service, and remuneration.

16. Recommendations related to the criteria concerning candidature for and election to public office (art. 7, para. 2) focused mainly on addressing the inadequacy of the established criteria and the implementation of electoral measures in practice.

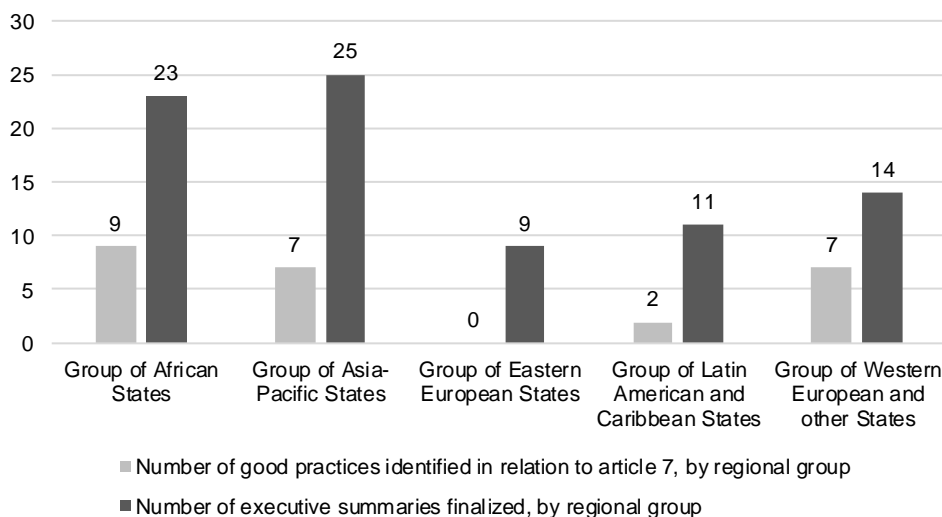
17. With regard to the funding of candidatures for elected public office and the funding of political parties (art. 7, para. 3), recommendations issued to African States focused mainly on the establishment of penalties for non-compliance with funding regulations and the lack of a requirement to publish information on donations made to political parties and candidates for public office. Similarly, a number of Western European and other States received recommendations on lowering the threshold for public disclosure of donations. In the case of Asia-Pacific States, reviewers recommended the implementation of rules that could prevent conflicts of interest in the funding of political parties and candidatures, such as the establishment of mandatory asset declarations. Information on the recommendations issued, disaggregated by paragraph and regional group, can be found in figure 8 below.

Figure 8
Number of recommendations issued with regard to each paragraph of article 7, by regional group and in total



18. With respect to the implementation of article 7 of the Convention, a total of 25 good practices were identified in 18 States parties. The distribution of good practices among regional groups is shown in figure 9 below.

Figure 9
Number of finalized executive summaries and good practices identified in relation to article 7, by regional group

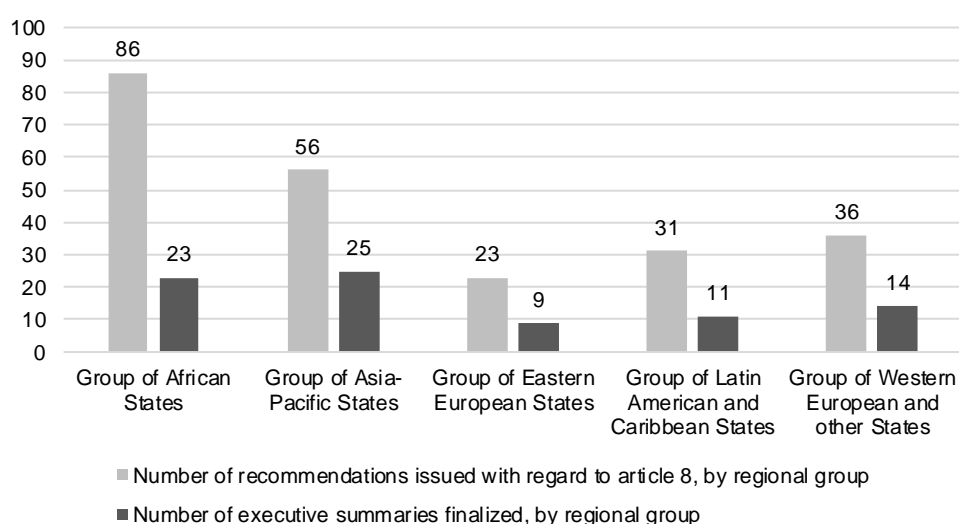


19. With regard to the development and implementation of codes of conduct for public officials (article 8), 232 recommendations in total were issued for all regional groups. Of that total, 114 recommendations related to paragraphs 1 to 4 of article 8; paragraphs 5 and 6 are analysed in more detail under section V of this report. Disaggregated information by regional group can be found in table 4 and figure 10 below.

Table 4
Recommendations issued with regard to the implementation of article 8, by regional group

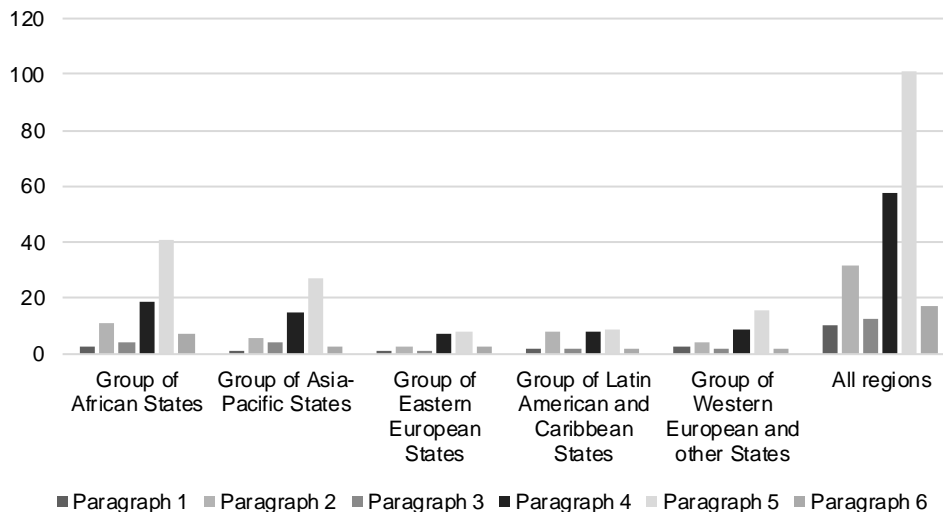
	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	21	86	91
Asia-Pacific States	24	24	56	100
Eastern European States	9	8	23	88
Latin American and Caribbean States	11	11	31	100
Western European and other States	15	12	36	80

Figure 10
Number of finalized executive summaries and recommendations issued with regard to article 8, by regional group



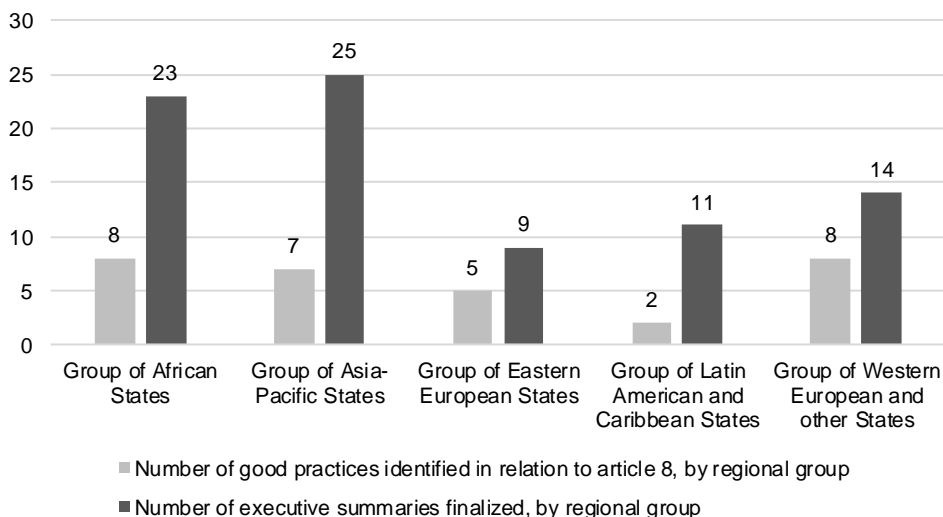
20. Some of the main challenges dealt with in the recommendations issued in relation to article 8 of the Convention included the lack of codes of conduct for public officials and the enforcement of such codes (para. 2) and the limited reporting channels and protective measures for public officials who report acts of corruption (para. 4). No substantive regional trends could be identified. Data on the recommendations, disaggregated by regional group, can be found in figure 11 below.

Figure 11
Number of recommendations issued with regard to each paragraph of article 8, by regional group and in total for all regions



21. A total of 30 good practices were identified with respect to article 8 of the Convention (see figure 12), excluding paragraphs 5 and 6. Six good practices were identified with regard to the promotion of integrity, honesty and responsibility among public officials (art. 8, para. 1). Two of them related to the existence of rewards or incentives aimed at promoting integrity among public officials. In relation to the application, within States’ internal systems, of codes of conduct (art. 8, para. 2), seven good practices were identified. The majority of those practices related to the mandatory character and enforceability of the codes of conduct in question. As for participation in initiatives of regional and international organizations for the purposes of implementing article 8 of the Convention (art. 8, para. 3), only one good practice was identified, in a country belonging to the Group of Western European and other States. With regard to measures and systems to facilitate the reporting by public officials of acts of corruption (art. 8, para. 4), a total of 10 good practices were identified in States parties in all regional groups.

Figure 12
Number of finalized executive summaries and good practices identified in relation to article 8, by regional group



22. A total of 80 recommendations were issued with respect to measures relating to the judiciary and prosecution services (art. 11). Relevant data, disaggregated by regional group, can be found in table 5 and figure 13 below. The total number of recommendations

shown in figure 14 suggests that issues related to integrity may be more prevalent in the judiciary (art. 11, para. 1) than in prosecution services (art. 11, para. 2).

23. At the regional level, recommendations issued to Eastern European States related to the prevention of conflicts of interest and the promotion of integrity. A number of recommendations issued to African States related to the establishment of a code of conduct for the judiciary and prosecution services, while those issued to Asia-Pacific States focused on processes for the selection and appointment of judges and prosecutors.

Table 5

Recommendations issued with regard to the implementation of article 11, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	13	22	56
Asia-Pacific States	25	12	20	48
Eastern European States	9	6	16	66
Latin American and Caribbean States	11	7	11	63
Western European and other States	14	8	11	57

Figure 13

Number of finalized executive summaries and recommendations issued with regard to article 11, by regional group

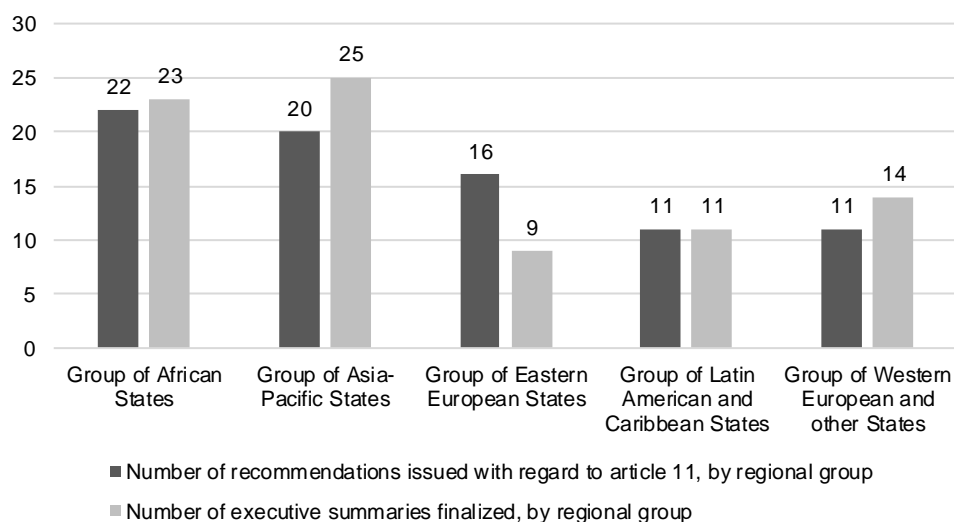
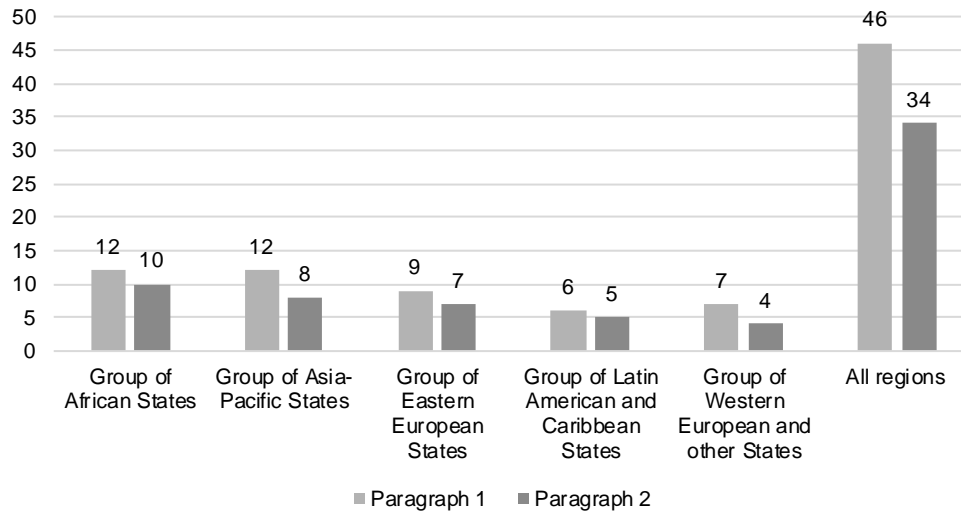
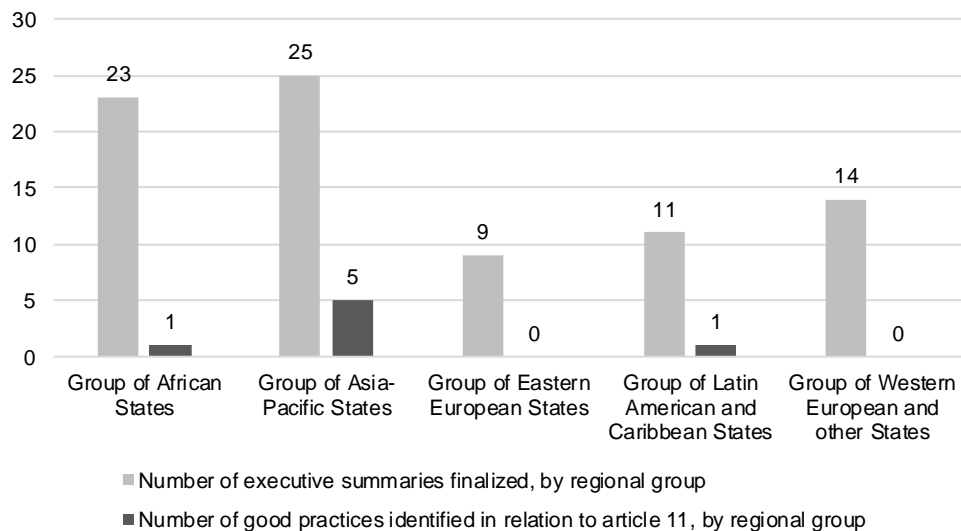


Figure 14
Number of recommendations issued with regard to each paragraph of article 11, by regional group and in total



24. Good practices in relation to article 11 were identified in only seven States parties (see figure 15), and were mainly related to the establishment of case management systems.

Figure 15
Number of finalized executive summaries and good practices identified in relation to article 11, by regional group



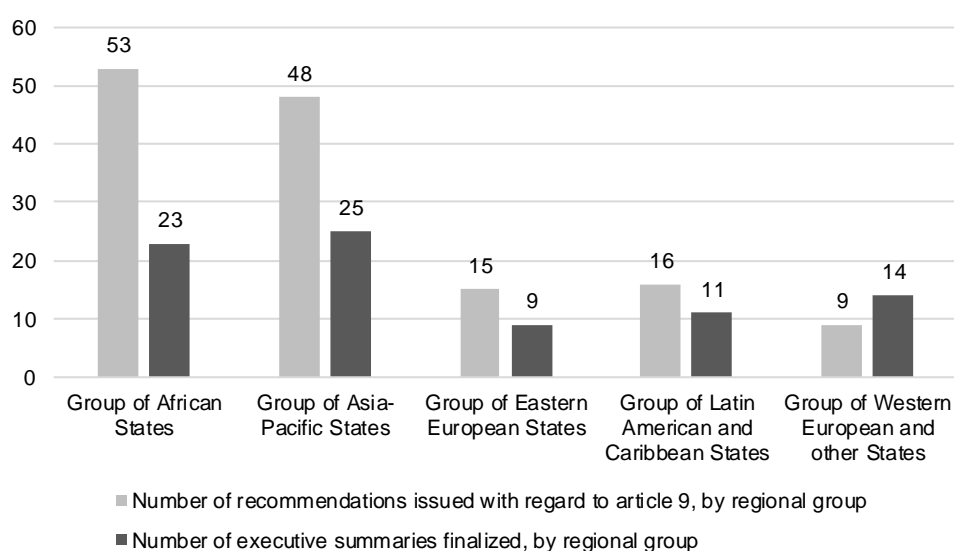
C. Public procurement and management of public finances (art. 9)

25. A total of 141 recommendations were issued to 66 States parties with respect to the implementation of article 9 of the Convention. Relevant data, disaggregated by regional group, can be found in table 6 and figure 16 below.

Table 6
Recommendations issued with regard to the implementation of article 9, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	21	53	91
Asia-Pacific States	25	21	48	87
Eastern European States	9	7	15	77
Latin American and Caribbean States	11	11	16	100
Western European and other States	14	6	9	40

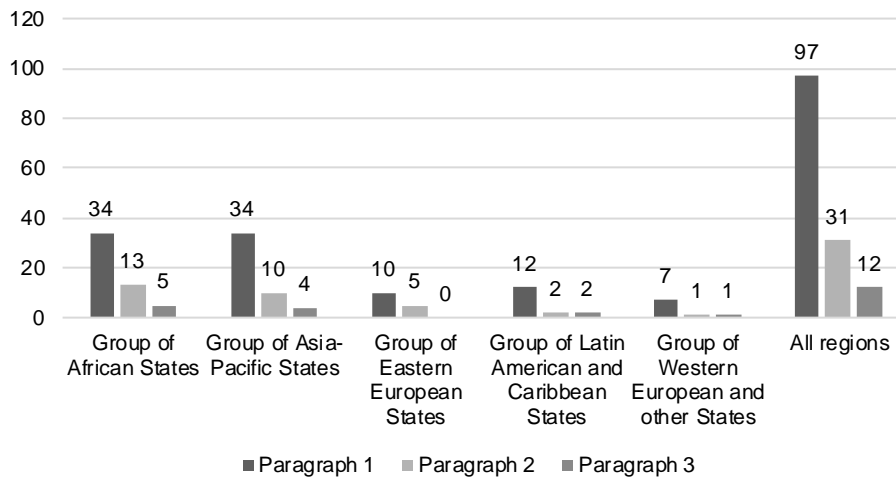
Figure 16
Number of finalized executive summaries and recommendations issued with regard to article 9, by regional group



26. The high number of recommendations issued with regard to paragraph 1 of article 9 of the Convention (97 recommendations issued to 58 States) in comparison with paragraph 2 (31 recommendations issued to 26 States) and paragraph 3 (12 recommendations issued to 12 States) could be explained by the broad scope of the measures to be implemented.

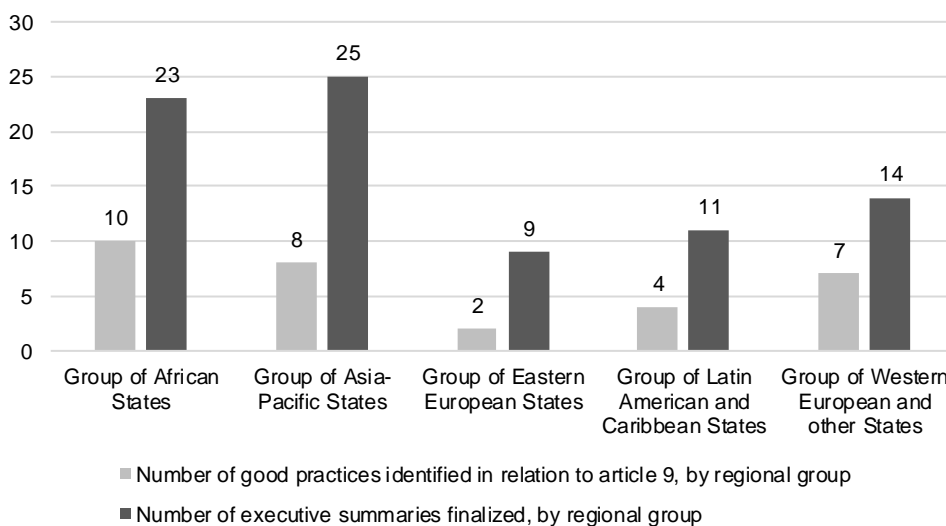
27. With regard to article 9, paragraph 1, of the Convention, key topics covered in the recommendations varied from region to region: many African, Asia-Pacific and Latin American and Caribbean States were recommended to establish an appeal procedure or amend an existing one; the development and establishment of e-procurement portals was frequently recommended to African and Asia-Pacific States; a number of Eastern European States were recommended to implement an integrity mechanism – covering, inter alia, rotation and special recruitment procedures – for public officials involved in procurement processes; and many of the recommendations issued to Asia-Pacific, Eastern European and Western European and other States concerned the need to enhance transparency in procurement.

Figure 17
Number of recommendations issued with regard to each paragraph of article 9, by regional group and in total



28. Thirty-one good practices in relation to article 9 were identified among 25 States parties (see figure 18). With regard to paragraph 1 of article 9, a frequent good practice identified among African States, Asia-Pacific and Western European and other States was the implementation of measures to enhance the transparency of procurement processes, notably through the implementation of e-procurement portals.

Figure 18
Number of finalized executive summaries and good practices identified in relation to article 9, by regional group



D. Public reporting (art. 10) and participation of society (art. 13)

29. A total of 110 recommendations were issued to 65 States parties with respect to the implementation of article 10 of the Convention, on public reporting. Relevant data, disaggregated by regional group, can be found in table 7 and figure 19 below. With regard to the implementation of article 13 of the Convention, on the participation of society, 75 recommendations were issued to 47 States parties. Relevant data, disaggregated by regional group, can be found in table 8 and figure 20 below.

Table 7
Recommendations issued with regard to the implementation of article 10, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	21	42	91
Asia-Pacific States	25	21	34	84
Eastern European States	9	6	9	66
Latin American and Caribbean States	11	10	16	90
Western European and other States	14	7	9	50

Figure 19
Number of finalized executive summaries and recommendations issued with regard to article 10, by regional group

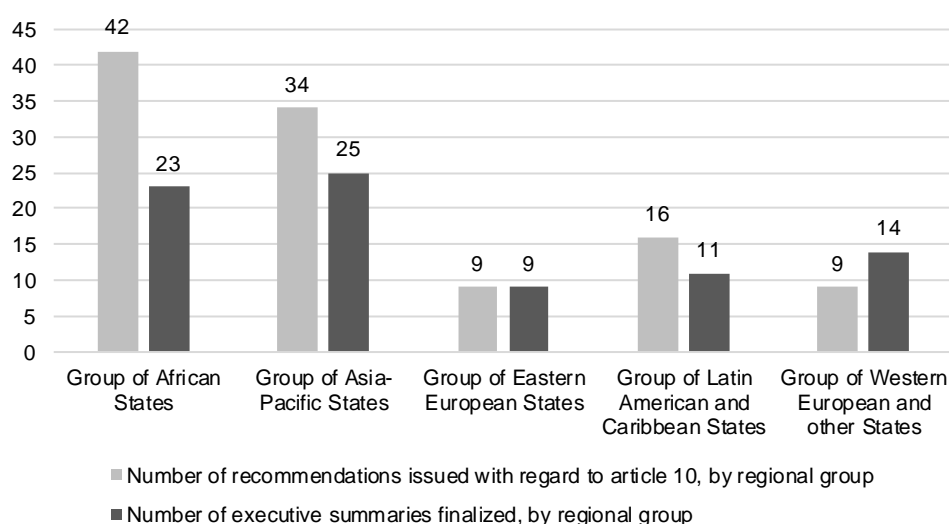
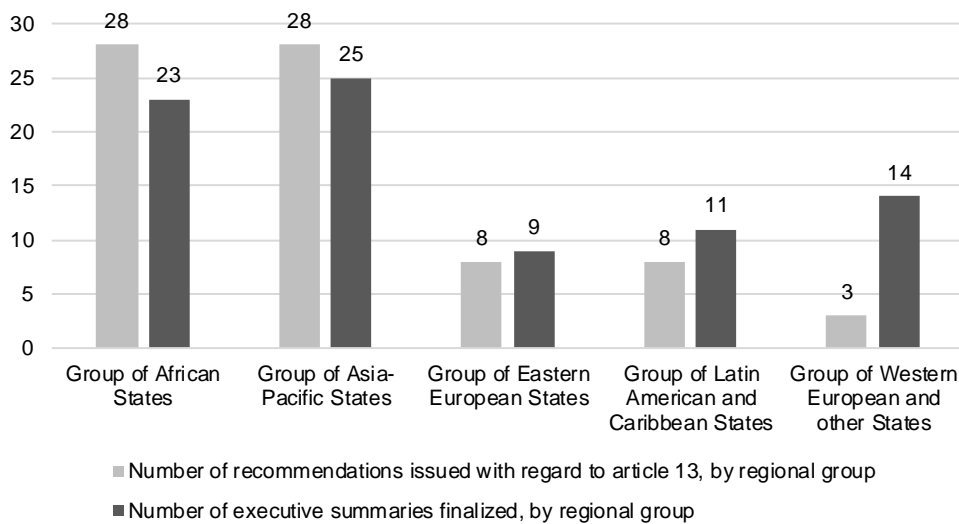


Table 8
Recommendations issued with regard to the implementation of article 13, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	15	28	65
Asia-Pacific States	25	18	28	72
Eastern European States	9	6	8	66
Latin American and Caribbean States	11	5	8	45
Western European and other States	14	3	3	21

Figure 20
Number of finalized executive summaries and recommendations issued with regard to article 13, by regional group



30. A total of 91 recommendations on access to information (covering both art. 10 (a) and art. 13, para. 1 (b)) were issued to 59 States parties. All but three of the 23 African States analysed in this report and approximately two thirds of the 25 Asia-Pacific States and the 9 Eastern European States received such recommendations. In contrast, recommendations were issued to fewer than half of the States parties in the other two regional groups.

31. Only 17 States parties received recommendations relating to article 10, paragraph (b), of the Convention, on the simplification of administrative procedures: eight African States, four Asia-Pacific States, two Eastern European States, two Latin American and Caribbean States and one State from the Group of Western European and other States. A total of 37 recommendations related to article 10, paragraph (c), of the Convention, on the publication of information, including information on the risks of corruption. All recommendations related to the need to periodically prepare and publish reports on the risks of corruption in the public administration.

32. A total of 51 recommendations relating to article 13, paragraph 1, of the Convention, on measures aimed at enabling the participation of society in preventing and combating corruption, were issued to 39 States parties. With regard to article 13, paragraph 1 (a), of the Convention, on the contribution of the public to decision-making processes, only three recommendations were issued and no regional trends could be identified. As for article 13, paragraph 2, of the Convention, on reporting corruption, a total of 23 recommendations were issued to 22 States parties. Relevant data, disaggregated by regional group, can be found in figures 21 and 22 below.

Figure 21
Number of recommendations issued with regard to each paragraph of article 10, by regional group and in total

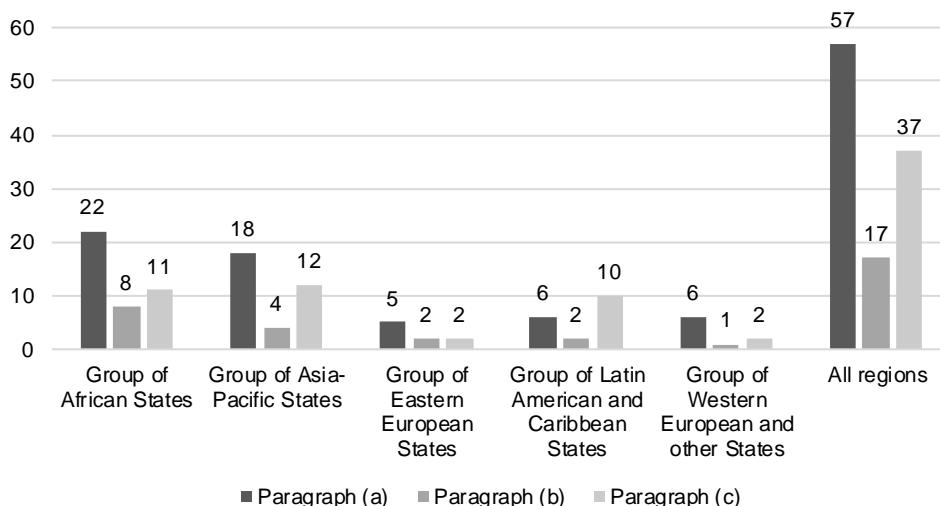
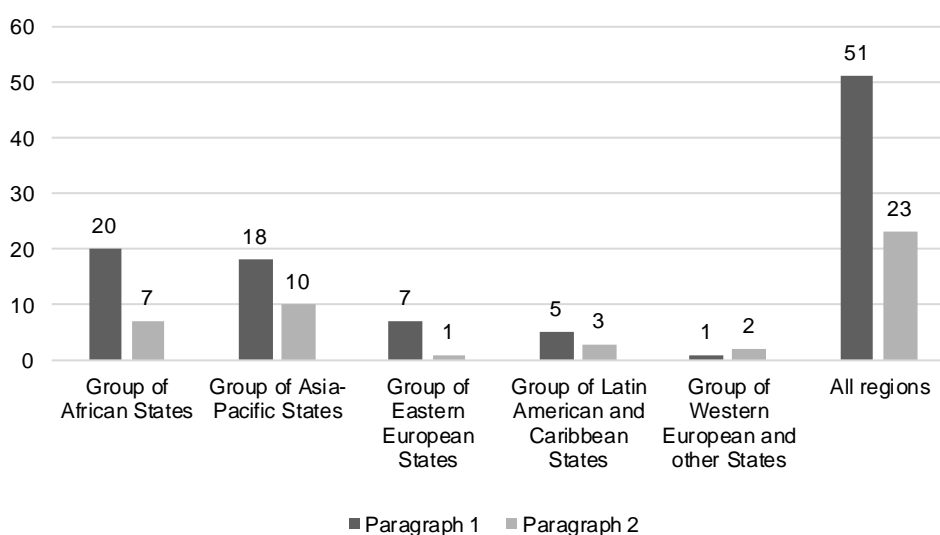


Figure 22
Number of recommendations issued with regard to each paragraph of article 13, by regional group and in total



33. A total of 71 good practices were identified in 48 States parties in relation to articles 10 and 13 of the Convention (see figures 23 and 24), including awareness-raising efforts, the simplification of administrative procedures through the use of electronic means, and facilitation of the reporting of corrupt conduct to anti-corruption bodies through multiple channels.

Figure 23
Number of finalized executive summaries and good practices identified in relation to article 10, by regional group

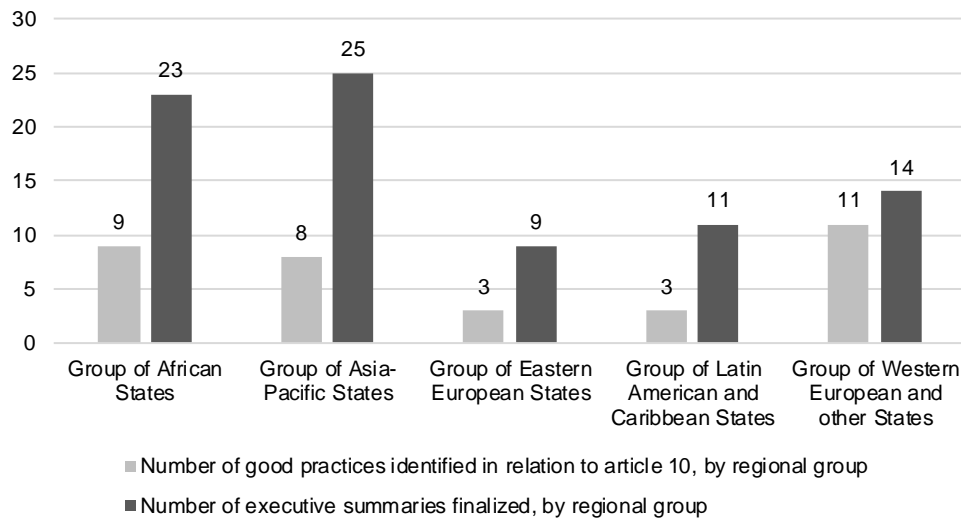
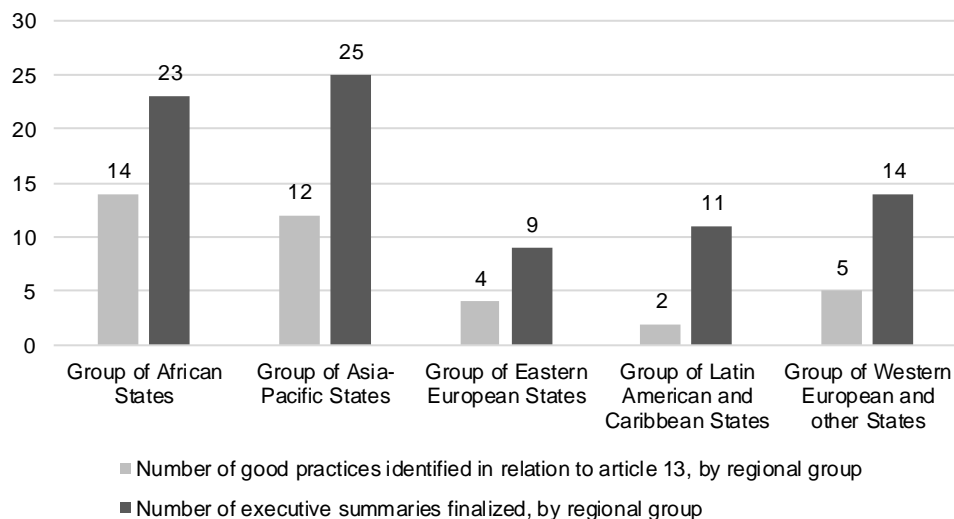


Figure 24
Number of finalized executive summaries and good practices identified in relation to article 13, by regional group



E. Private sector (art. 12)⁴

34. A total of 222 recommendations were issued to 75 States parties with regard to the implementation of article 12 of the Convention. Relevant data, disaggregated by regional group, can be found in table 9 and figure 25 below.

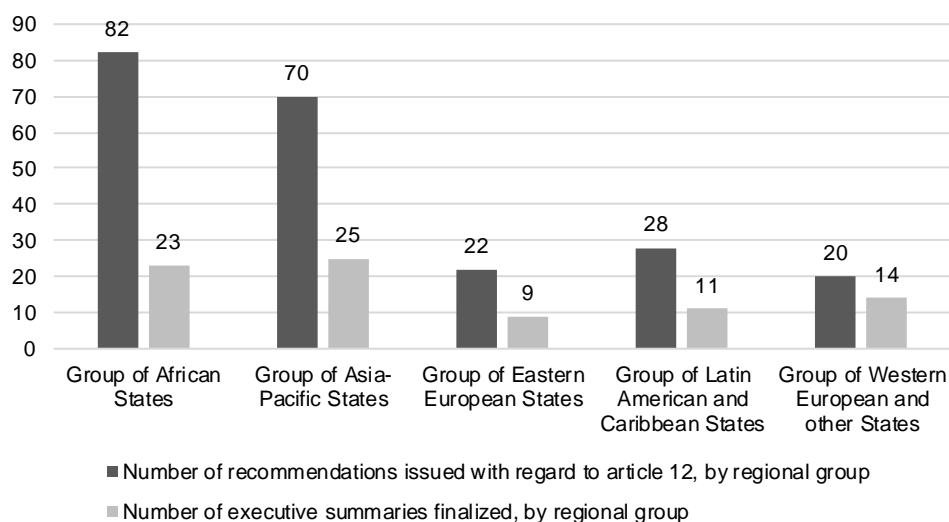
Table 9
Recommendations issued with regard to the implementation of article 12, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	22	82	95

⁴ Paragraph 2 (c) of article 12 covers cross-cutting issues and is analysed in more detail under section IV of this report.

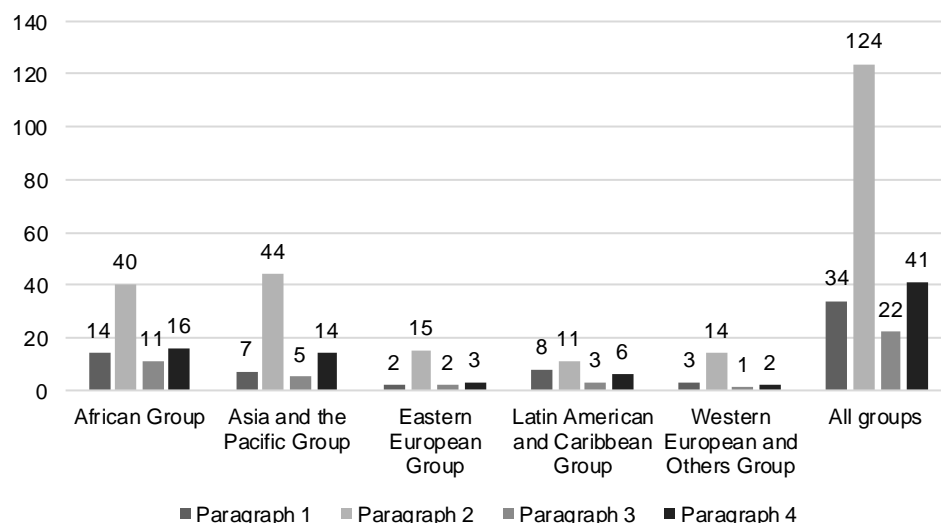
	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
Asia-Pacific States	25	23	70	92
Eastern European States	9	9	22	100
Latin American and Caribbean States	11	10	28	90
Western European and other States	14	11	20	78

Figure 25
Number of finalized executive summaries and recommendations issued with regard to article 12 of the Convention, by regional group



35. A significant number of gaps were identified in relation to the management of conflicts of interest involving former public officials who take up employment in the private sector (art. 12, para. 2 (e)) and in the context of legislative frameworks prohibiting the tax deductibility of expenses that constitute bribes (art. 12, para. 4). Other recommendations dealt with a broad range of issues, including accounting and auditing standards in the private sector, law enforcement cooperation, and codes of conduct for private entities.

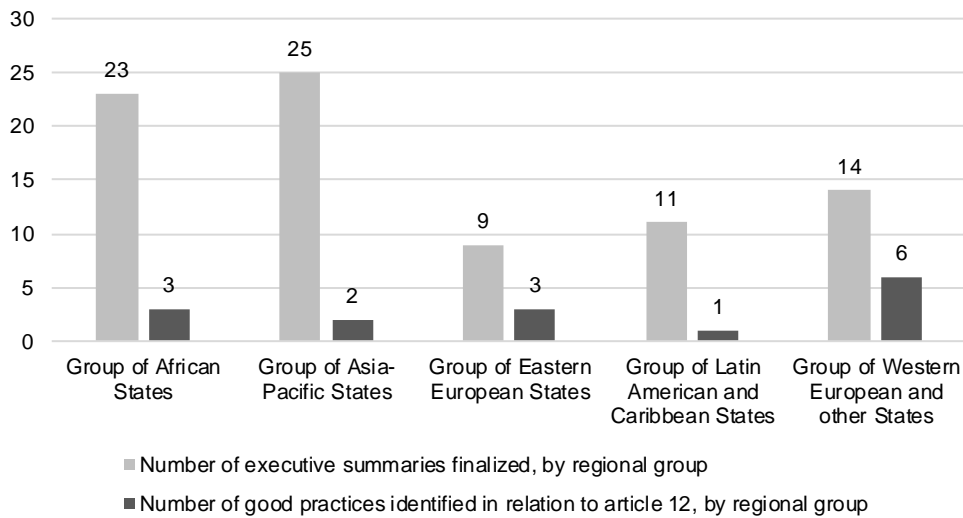
Figure 26
Number of recommendations issued with regard to each paragraph of article 12, by regional group and in total



36. Fifteen good practices relating to article 12 of the Convention have been identified in a total of 12 States parties across all regional groups (see figure 27). Over half of those practices related to the transparency of beneficial ownership information, which will be analysed in more detail under section IV of this report. The remaining good practices identified related to transparency in the private sector, the participation of private sector entities in the development of anti-corruption policies, and cooperation between law enforcement agencies and private sector entities.

Figure 27

Number of finalized executive summaries and good practices identified in relation to article 12, by regional group



III. Implementation at the regional level of chapter V (Asset recovery) of the United Nations Convention against Corruption

A. General provision; special cooperation; bilateral and multilateral agreements and arrangements (arts. 51, 56 and 59)

1. General provision (art. 51)

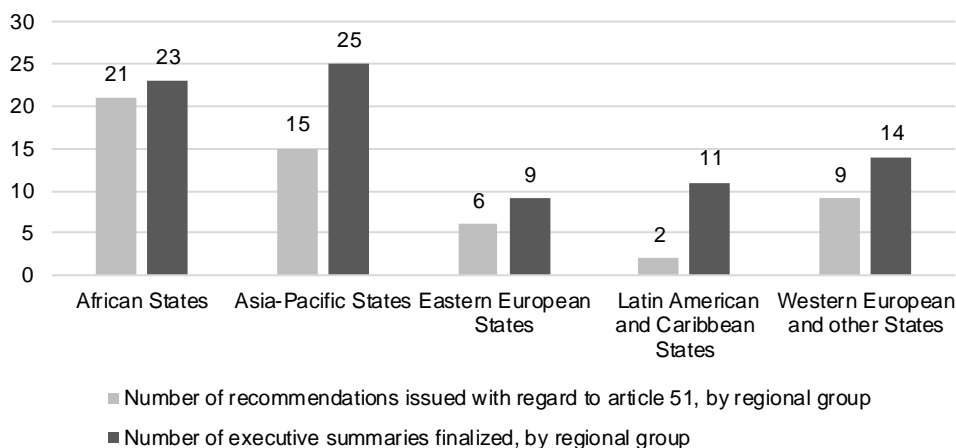
37. A total of 53 recommendations were issued to 43 States parties with respect to the implementation of article 51 of the Convention, concerning the return of assets and the existence of regulatory, institutional and operational frameworks relating thereto. Information disaggregated by regional group can be found in table 10 and figure 28 below.

Table 10

Recommendations issued with regard to the implementation of article 51, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	14	21	61
Asia-Pacific States	25	13	15	52
Eastern European States	9	6	6	66
Latin American and Caribbean States	11	2	2	18
Western European and other States	14	8	9	57

Figure 28
Number of finalized executive summaries and recommendations issued with regard to article 51, by regional group

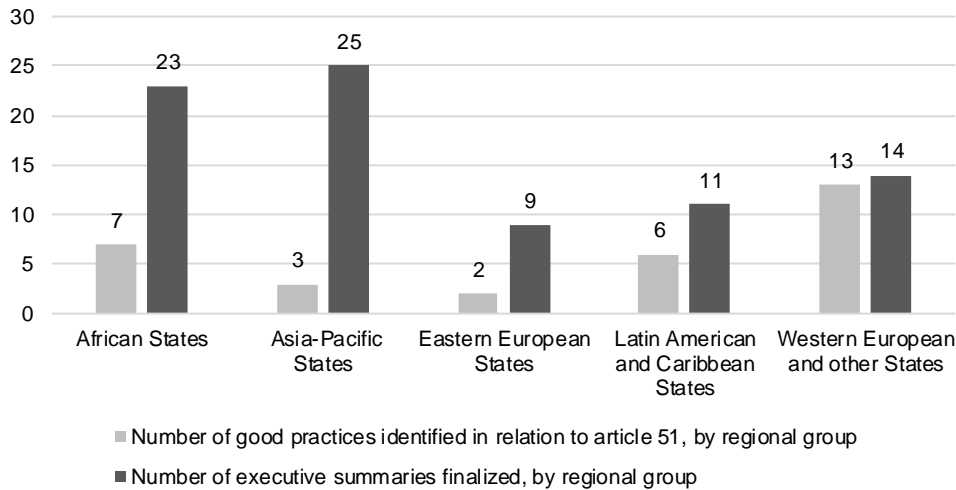


38. The recommendations issued to African States most commonly related to the adoption of legislation to enable mutual legal assistance in the area of asset recovery. Similar challenges were noted among Asia-Pacific States, as was the need to streamline procedures and strengthen mechanisms for asset recovery. Among Western European and other States, reviewers most frequently highlighted the need to enhance data collection systems and the availability of comprehensive information and statistics on mutual legal assistance requests relating to asset recovery. In the case of Eastern European States, the recommendations focused on a range of issues such as the creation of a comprehensive system for the effective management of assets and the adoption of legislation on mutual legal assistance in accordance with the Convention. As for Latin American and Caribbean States, the recommendations highlighted gaps in domestic legislation pertaining to the provision of mutual legal assistance and investigations with an international dimension.

Good practices in relation to article 51

39. A total of 31 good practices regarding the return of assets pursuant to article 51 of the Convention were identified in 21 States parties in all regions (see figure 29). A common good practice identified among Latin American and Caribbean States and Western European and other States was the establishment of dedicated agencies or units for international cooperation in the recovery of assets. In the Group of African States, the adoption of asset recovery guides and asset recovery legislation was highlighted.

Figure 29
Number of finalized executive summaries and good practices identified in relation to article 51, by regional group



2. Special cooperation (art. 56)

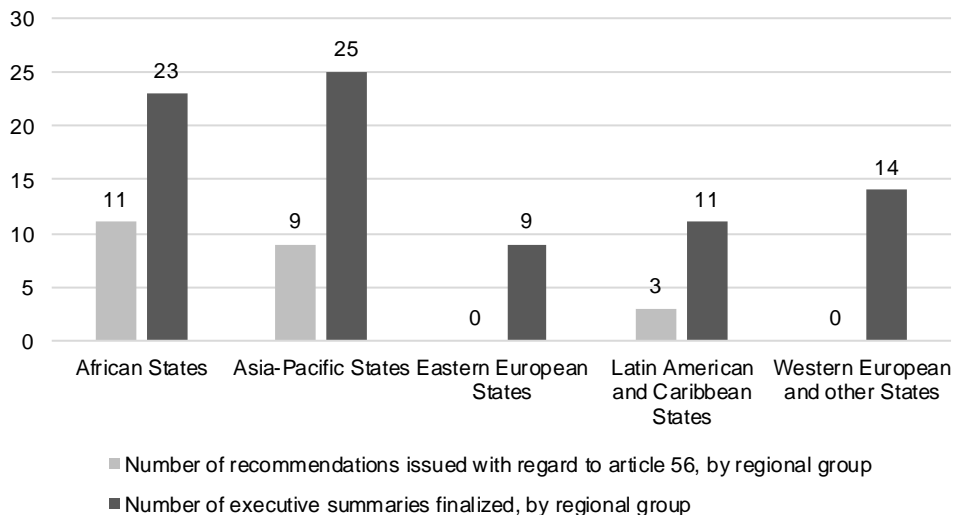
40. A total of 23 challenges were identified in 22 States parties in the implementation of article 56, on the spontaneous transmission of information. Relevant data, disaggregated by regional group, can be found in table 11 and figure 30 below.

Table 11

Recommendations issued with regard to the implementation of article 56, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	10	11	43
Asia-Pacific States	25	9	9	36
Eastern European States	9	0	0	0
Latin American and Caribbean States	11	3	3	27
Western European and other States	14	0	0	0

Figure 30
Number of finalized executive summaries and recommendations issued with regard to article 56, by regional group



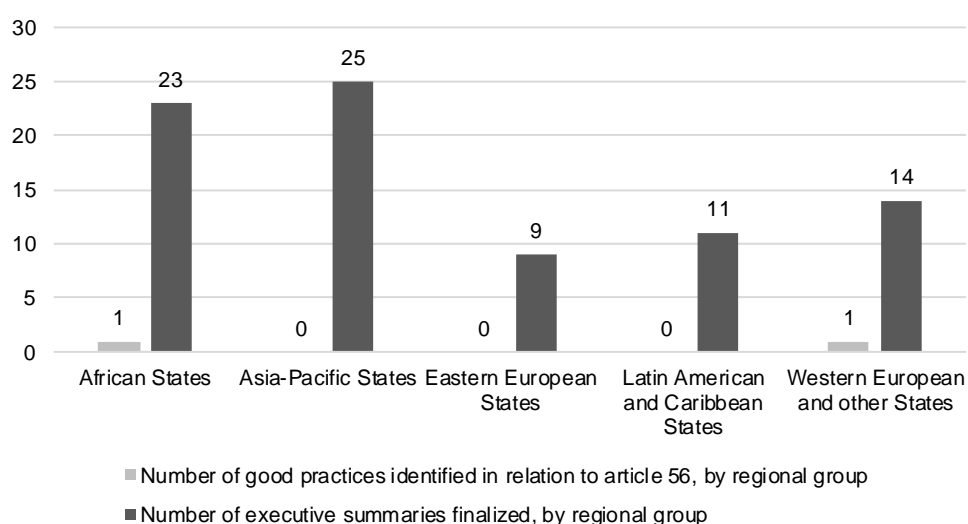
41. Of those 23 challenges, which pertained to the need to enable the spontaneous and proactive sharing of information with international counterparts, most were identified in African States (11) and Asia-Pacific States (9), while three were identified in Latin American and Caribbean States.

Good practices in relation to article 56

42. Reviewers identified two good practices with regard to the implementation of article 56 – in one African State and one State in the Group of Western European and other States. In South Africa, reviewers noted the posting of liaison officers to other jurisdictions to facilitate the execution of requests for mutual legal assistance. In Portugal, they highlighted the spontaneous sharing of information with a wide range of counterparts, which had led to specific cases of successful asset freezing.

Figure 31

Number of finalized executive summaries and good practices identified in relation to article 56, by regional group



3. Bilateral and multilateral agreements and arrangements (art. 59)

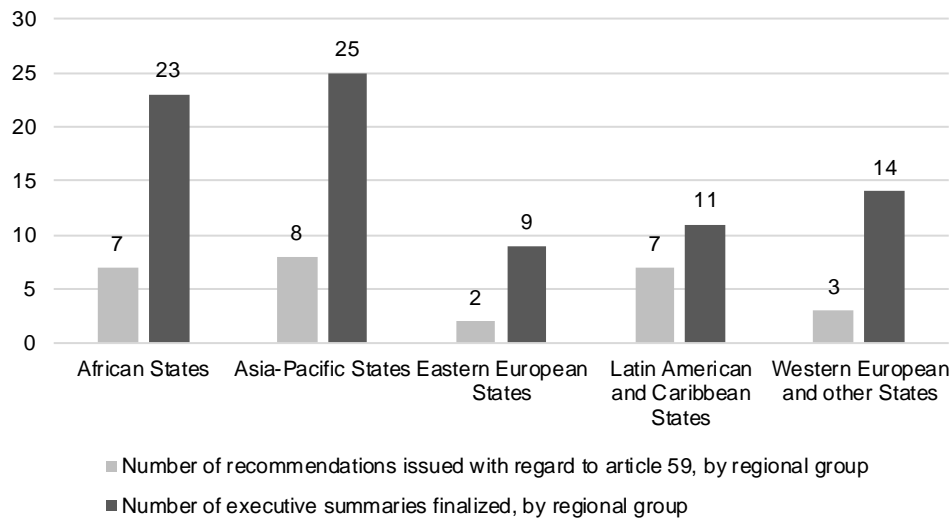
43. Twenty-seven challenges in implementation were identified in the same number of States parties in relation to article 59 of the Convention, on agreements or arrangements to enhance international cooperation undertaken pursuant to chapter V. Relevant data, disaggregated by regional group, can be found in table 12 and figure 32 below.

Table 12

Recommendations issued with regard to the implementation of article 59, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	7	7	30
Asia-Pacific States	25	9	9	32
Eastern European States	9	2	2	22
Latin American and Caribbean States	11	7	7	63
Western European and other States	14	2	2	14

Figure 32
Number of finalized executive summaries and recommendations issued with regard to article 59, by regional group

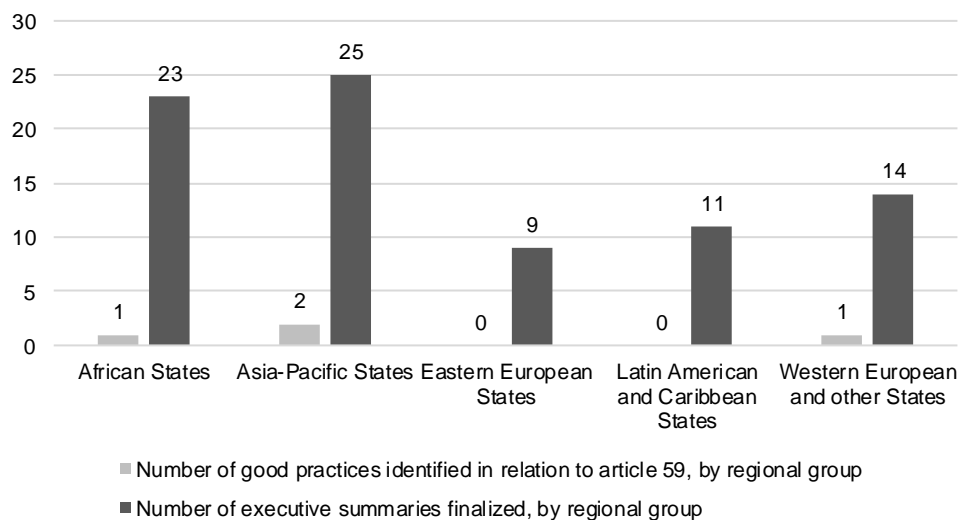


44. Latin American and Caribbean States received the proportionally highest number of recommendations with regard to the implementation of article 59, while challenges relating to that article were identified in fewer than one third of States in all other regions.

Good practices in relation to article 59

45. Good practices were identified with regard to the implementation of article 59 in two Asia-Pacific States, one African State and one State in the Group of Western European and other States. The use of networks or memorandums of understanding was highlighted by reviewers in Indonesia, Mongolia and Italy.

Figure 33
Number of finalized executive summaries and good practices identified in relation to article 59, by regional group



B. Measures for direct recovery of property; mechanisms for recovery of property through international cooperation in confiscation; international cooperation for purposes of confiscation (arts. 53, 54 and 55)

1. Measures for direct recovery of property (art. 53)

46. A total of 89 recommendations were issued to 44 States parties with respect to article 53 of the Convention, on measures for direct recovery of property. Relevant data, disaggregated by regional group, can be found in table 13 and figure 34 below. Figure 35 provides an overview of the number of recommendations issued with regard to the implementation of each subparagraph of the article.

Table 13

Recommendations issued with regard to the implementation of article 53, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	16	27	69
Asia-Pacific States	25	15	34	60
Eastern European States	9	3	7	33
Latin American and Caribbean States	11	8	18	72
Western European and other States	14	2	3	28

Figure 34

Number of finalized executive summaries and recommendations issued with regard to article 53, by regional group

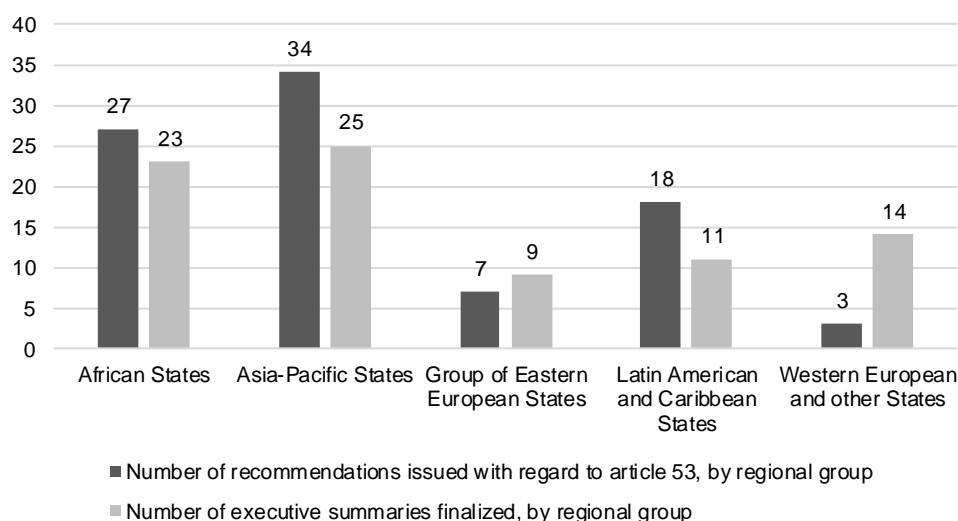
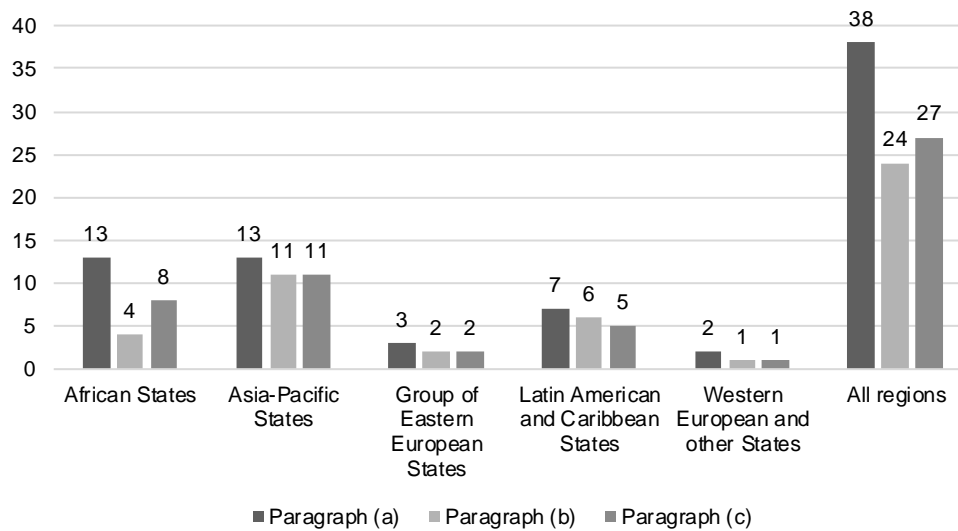


Figure 35
Number of recommendations issued with regard to the implementation of each subparagraph of article 53, by regional group and in total

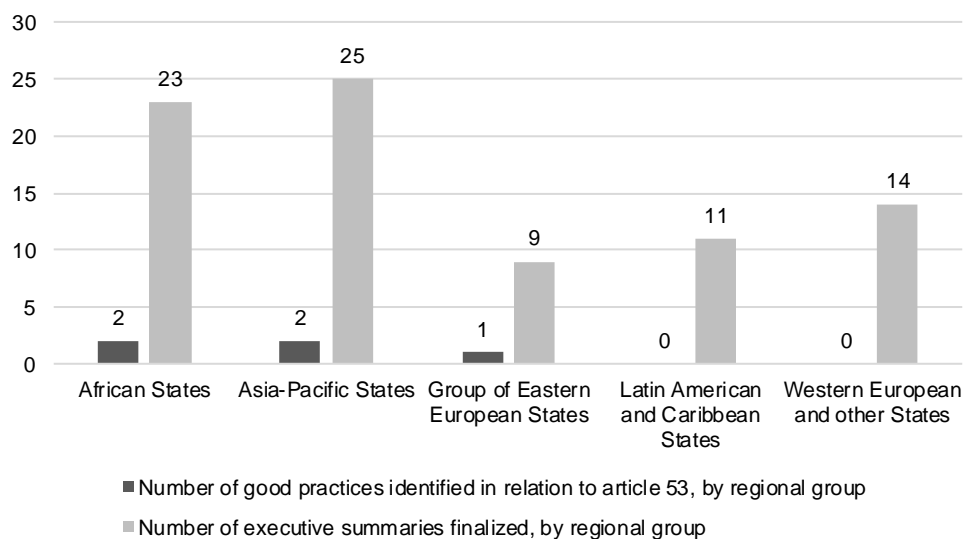


47. Relative to the total number of completed reviews, challenges related to the implementation of article 53 were identified primarily in African States, Latin American and Caribbean States and Asia-Pacific States.

Good practices in relation to article 53

48. Good practices in the implementation of article 53, on measures for direct recovery of property, were identified in two African States, two Asia-Pacific States and one Eastern European State. In Cabo Verde and Senegal, reviewers highlighted that the Code of Civil Procedure granted foreign States the same status as any other legal person. In the Russian Federation and Pakistan, reviewers similarly noted that foreign States were granted the right to initiate civil action.

Figure 36
Number of finalized executive summaries and good practices identified in relation to article 53, by regional group



2. Mechanisms for recovery of property through international cooperation in confiscation and international cooperation for purposes of confiscation (arts. 54 and 55)

49. In relation to articles 54 and 55, on the recovery of property through international cooperation in confiscation, reviewers issued a total of 304 recommendations to 73 States, corresponding to 89 per cent of all 82 reviewed States. Of those recommendations, 174 related to legal frameworks established under article 54, and 130 related to practices established under article 55. Relevant data, disaggregated by regional group, can be found in tables 14 and 15 and figures 37 to 40 below. Figures 38 and 40 provide an overview of the number of recommendations issued with regard to the implementation of each subparagraph of article 54 and each paragraph of article 55.

Table 14

Recommendations issued with regard to the implementation of article 54, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	17	55	73
Asia-Pacific States	25	19	61	76
Eastern European States	9	8	21	88
Latin American and Caribbean States	11	9	26	81
Western European and other States	14	7	11	50

Figure 37

Number of finalized executive summaries and recommendations issued with regard to article 54, by regional group

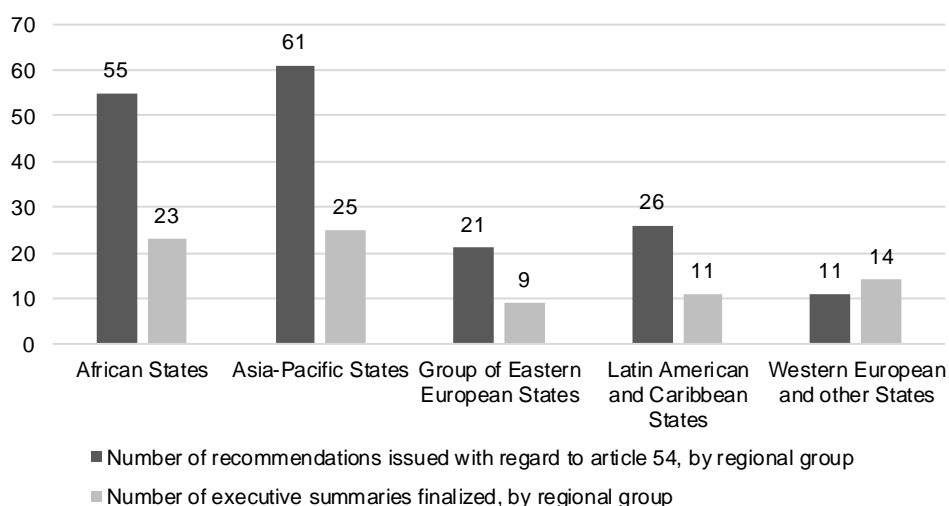


Figure 38
Number of recommendations issued with regard to the implementation of each subparagraph of article 54, by regional group and in total

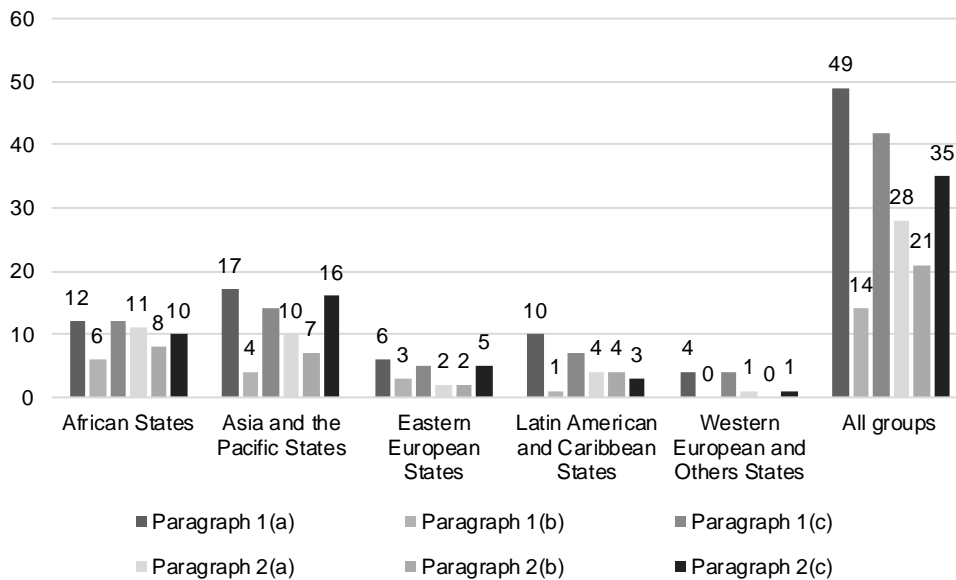


Table 15
Recommendations issued with regard to the implementation of article 55, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	19	42	82
Asia-Pacific States	25	18	47	72
Eastern European States	9	7	15	77
Latin American and Caribbean States	11	8	14	72
Western European and other States	14	7	12	50

Figure 39
Number of finalized executive summaries and recommendations issued with regard to article 55, by regional group

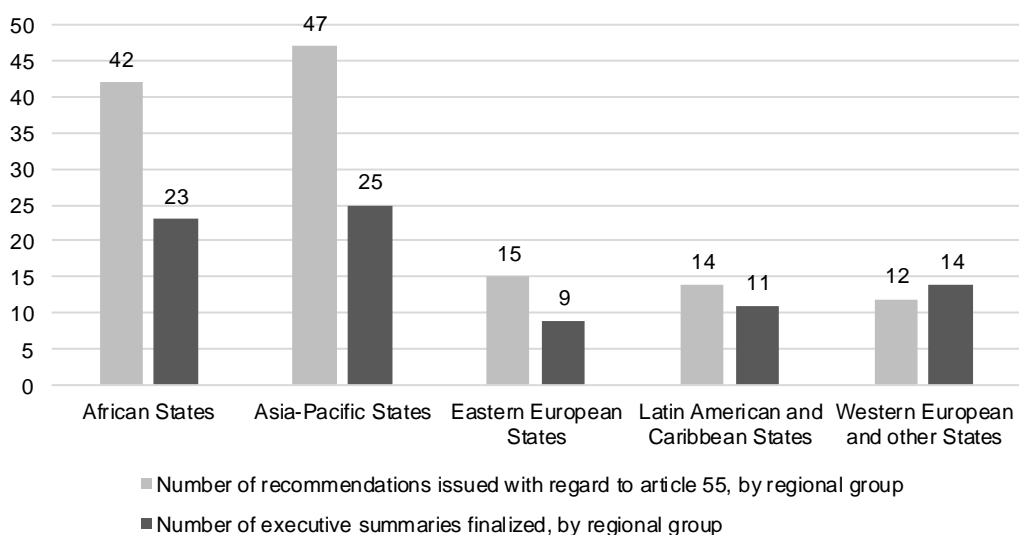
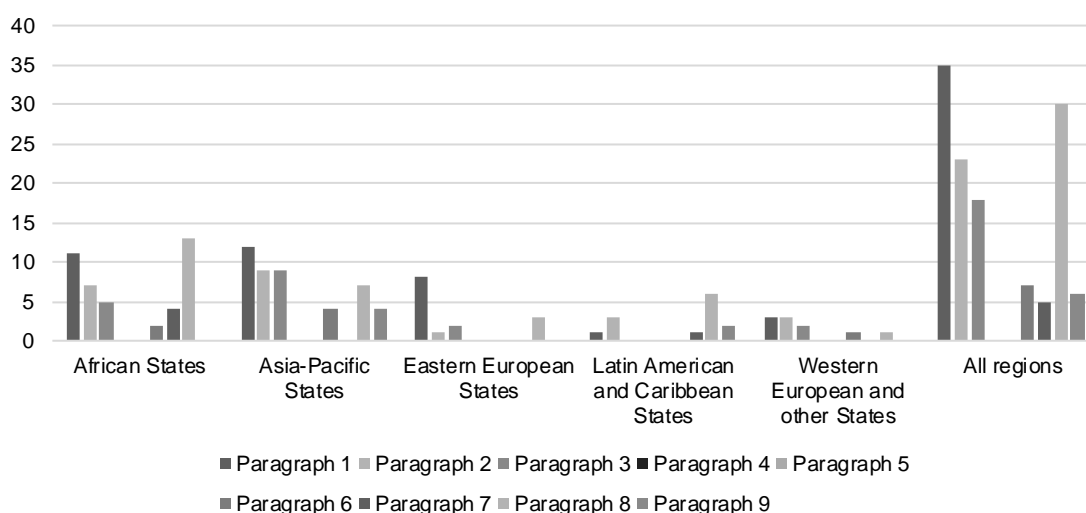


Figure 40
Number of recommendations issued with regard to the implementation of each paragraph of article 55, by regional group and in total



(i) *Confiscation through adjudication of money-laundering offences (art. 54, para. 1 (b))*

50. No particular regional trends were identified with regard to confiscation through adjudication of money-laundering offences.

(ii) *Confiscation without a criminal conviction (art. 54, para. 1 (c))*

51. Of the 42 recommendations issued in relation to enabling mutual legal assistance for non-conviction-based confiscation, one third (14) were issued to Asia-Pacific States, 12 to African States, 7 to Latin American and Caribbean States, 5 to Eastern European States and 4 to Western European and other States. No regional trends were observed with regard to the content of the recommendations.

(iii) *Enforcement of foreign confiscation orders and foreign requests for confiscation (art. 54, para. 1 (a), and art. 55, para. 1)*

52. Forty-four States across all regions received recommendations on legal frameworks enabling the direct enforcement of foreign confiscation orders in accordance with article 54, paragraph 1 (a), and the practical application of such frameworks in line with article 55, paragraph 1. No relevant regional trends were identified.

(iv) *Enforcement of foreign freezing or seizure orders or interim measures based on foreign requests (art. 54, para. 2, and art. 55, para. 2)*

53. Forty-eight States across all regions received recommendations on legal frameworks enabling freezing and seizure or other interim measures in line with article 54, paragraph 2, and article 55, paragraph 2. Most challenges identified concerned the former and were related to measures that allow competent authorities in the requested State to identify, trace, freeze and seize proceeds of crime for subsequent confiscation. No particular regional trends were identified.

(v) *Additional measures for preservation of property (art. 54, para. 2 (c))⁵*

54. Reviewers identified challenges in implementation with regard to article 54, paragraph 2 (c), on the adoption of measures for the preservation of property, for States parties across all regions.

⁵ The management of seized or confiscated assets was reviewed under the first cycle and is not covered by the scope of second cycle reviews. A more in-depth analysis of the topic can be found in UNODC, *State of Implementation of the United Nations Convention against Corruption*:

(vi) *Prerequisites for and required content of mutual legal assistance requests (art. 55, paras. 3 and 4)*

55. No regional trends were observed in relation to paragraphs 3 and 4 on the prerequisites for and required content of mutual legal assistance requests. States parties across all regions except Latin America and the Caribbean received recommendations with regard to the establishment of legislative or administrative requirements concerning the required format and content of mutual legal assistance requests or the adoption of an asset recovery handbook or other guidance for requesting States.

(vii) *Grounds for refusal of mutual legal assistance requests (art. 55, paras. 4 and 7)*

56. With regard to grounds for the refusal of mutual legal assistance requests, four African States were recommended to consider establishing a de minimis value for property below which a request for mutual legal assistance could be refused, and to consider putting in place comprehensive domestic legislation to prescribe necessary substantive and procedural requirements for mutual legal assistance, including clear grounds for refusal. One Asia-Pacific State received a recommendation to adopt legislative measures for comprehensive regulation of the procedure for making requests, the required content of requests, grounds for refusal and other procedural aspects.

(viii) *Consultation with requesting party (art. 55, para. 8)*

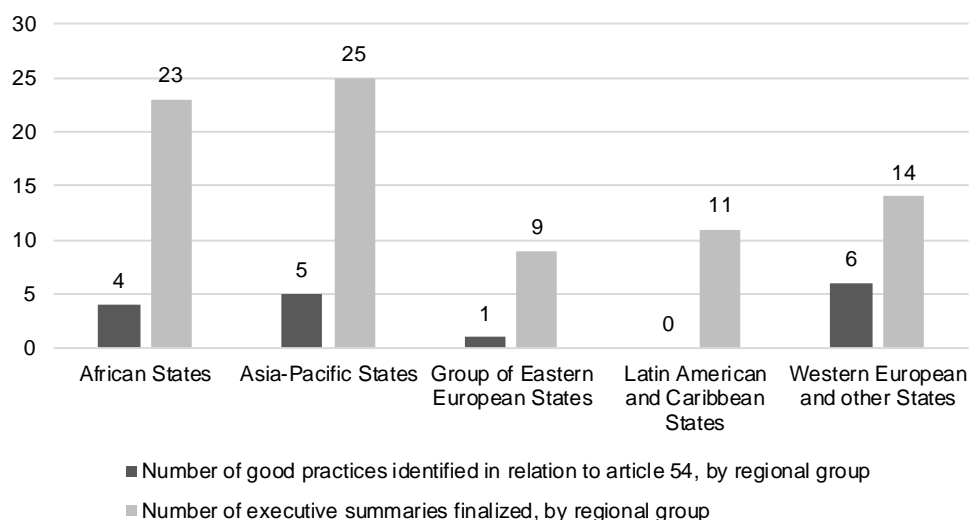
57. With regard to article 55, paragraph 8, on consultation with the requesting State party prior to the lifting of provisional measures, recommendations issued to African States and Asia-Pacific States most frequently referred to the amendment of legislation for that purpose. In contrast, in Eastern European States, Latin American and Caribbean States and Western European and other States, reviewers more frequently referred to the need to ensure that in practice the requesting State party was given the opportunity to present its reasons in favour of continuing a provisional measure.

Good practices in relation to article 54

58. Good practices in relation to article 54 were identified in six Western European and other States, five Asia-Pacific States, four African States and one Eastern European State. Five of those practices related to the implementation by States parties of article 54, paragraph 1 (c), on enabling mutual legal assistance for the purposes of non-conviction-based confiscation.

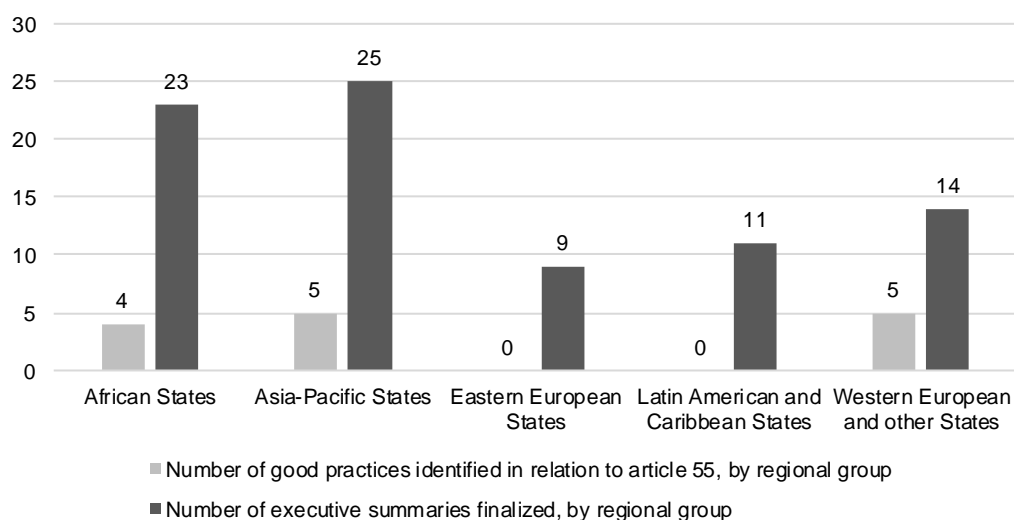
Criminalization, Law Enforcement and International Cooperation, 2nd ed. (Vienna, 2017) and in thematic reports related to the first review cycle, namely, the report on the implementation of chapter III (Criminalization and law enforcement) of the United Nations Convention against Corruption (review of articles 30–42) (CAC/COSP/IRG/2016/7) and the report on the regional implementation of chapter III (Criminalization and law enforcement) and chapter IV (International cooperation) of the United Nations Convention against Corruption (CAC/COSP/IRG/2016/5).

Figure 41
Number of finalized executive summaries and good practices identified in relation to article 54, by regional group



59. Good practices in the implementation of article 55 were identified in 10 States parties, including four African States, three Asia-Pacific States and three States in the Group of Western European and other States. No specific regional trends were identified.

Figure 42
Number of finalized executive summaries and good practices identified in relation to article 55, by regional group



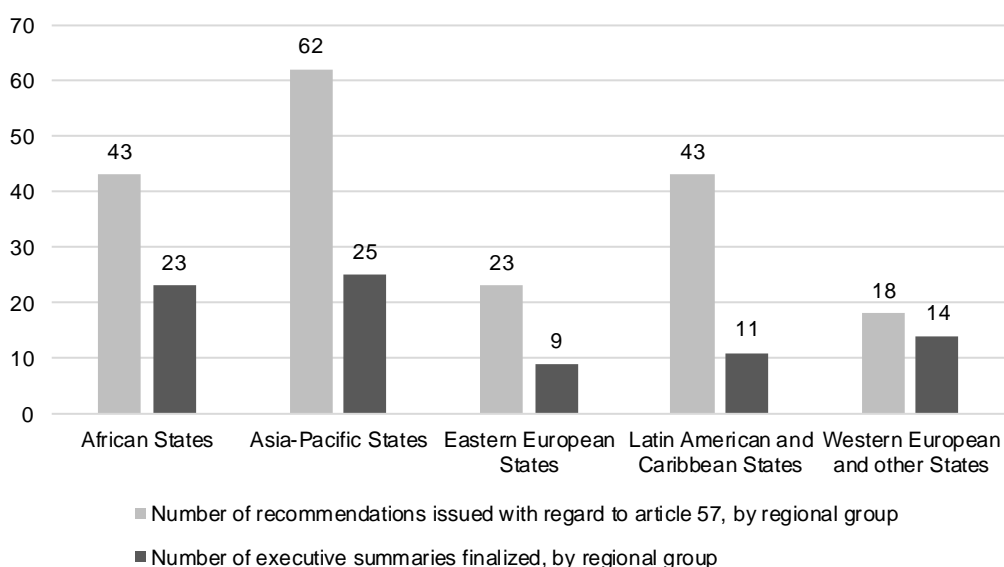
C. Return and disposal of assets (art. 57)

60. A total of 189 recommendations were issued to 70 States with regard to article 57 of the Convention, on the return and disposal of assets. Relevant data, disaggregated by regional group, can be found in table 16 and figure 43 below. Figure 44 provides an overview of the number of recommendations issued with regard to the implementation of each paragraph of article 57.

Table 16
Recommendations issued with regard to the implementation of article 57, by regional group

	<i>Number of States with completed reviews</i>	<i>Number of States that received recommendations</i>	<i>Total number of recommendations received</i>	<i>Percentage of reviewed States in the group that received recommendations</i>
African States	23	18	43	78
Asia-Pacific States	25	23	62	92
Eastern European States	9	9	23	100
Latin American and Caribbean States	11	11	43	100
Western European and other States	14	9	18	64

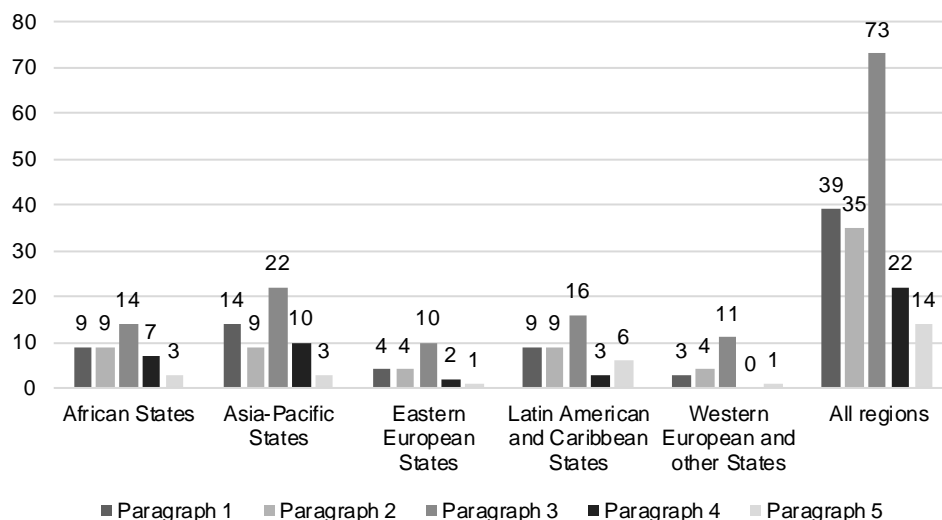
Figure 43
Number of finalized executive summaries and recommendations issued with regard to article 57 of the Convention, by regional group



61. Reviewers identified gaps in the implementation of article 57 in the majority (85 per cent) of the 82 States reviewed during the second cycle. Recommendations relating to that article were issued to all Eastern European States and Latin American and Caribbean States, 22 of the 25 Asia-Pacific States, 18 of the 23 African States and 10 of the 14 Western European and other States reviewed.

62. Most of the recommendations issued to all regional groups focused on the implementation of article 57, paragraph 3, which deals with the return of confiscated property to the requesting State Party. Further, 37 States parties, including 13 Asia-Pacific States, 9 Latin American and Caribbean States, 8 African States, 4 Eastern European States and 3 Western European and other States received recommendations relating to the disposition of property in accordance with article 57, paragraph 1.

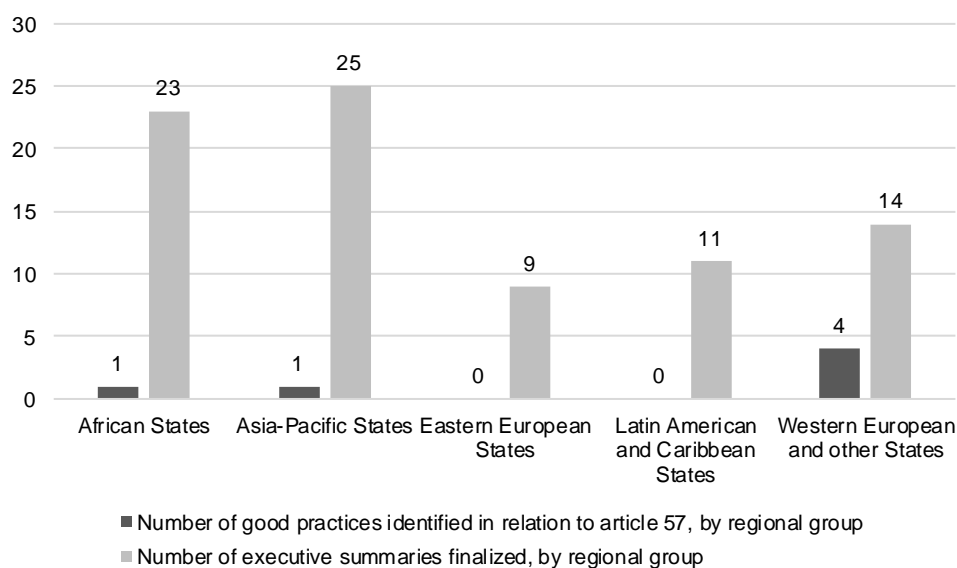
Figure 44
Number of recommendations issued with regard to the implementation of each paragraph of article 57, by regional group and in total



Good practices in relation to article 57

63. Good practices were identified in two States in the Group of Western European and other States, one African State and one Asia-Pacific State. In Germany, reviewers highlighted the possibility of compensation from public funds if an injured person was unable to obtain full satisfaction of a claim through the enforcement of title to property. In Eswatini, reviewers welcomed the establishment of the Confiscated and Forfeited Funds Account and the Criminal Assets Recovery Fund to enable victims of crime to obtain compensation, among other purposes.

Figure 45
Number of finalized executive summaries and good practices identified in relation to article 57 of the Convention, by regional group



IV. Implementation at the regional level of provisions of a cross-cutting nature in chapters II (Preventive measures) and V (Asset recovery) of the United Nations Convention against Corruption

64. A total of 229 recommendations were issued with regard to asset declarations and financial disclosure systems (art. 8, para. 5, and art. 52, paras. 5 and 6) and 59 with regard to the declaration of conflicts of interest (art. 7, para. 4). Figures 46 and 47 show the regional distribution of the recommendations issued in relation to those provisions.

Figure 46

Number of recommendations issued with regard to the implementation of article 8, paragraph 5, and article 52, paragraphs 5 and 6, by regional group and in total

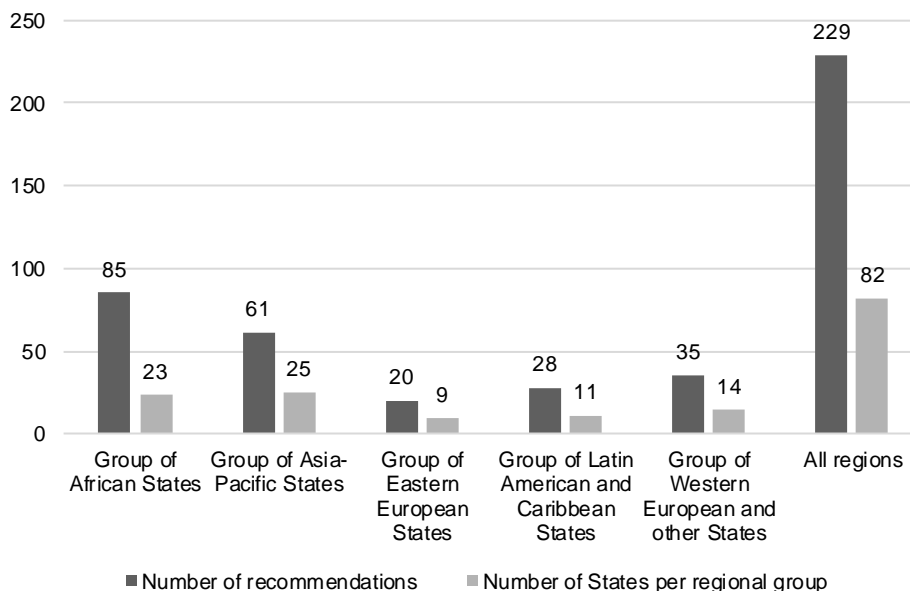
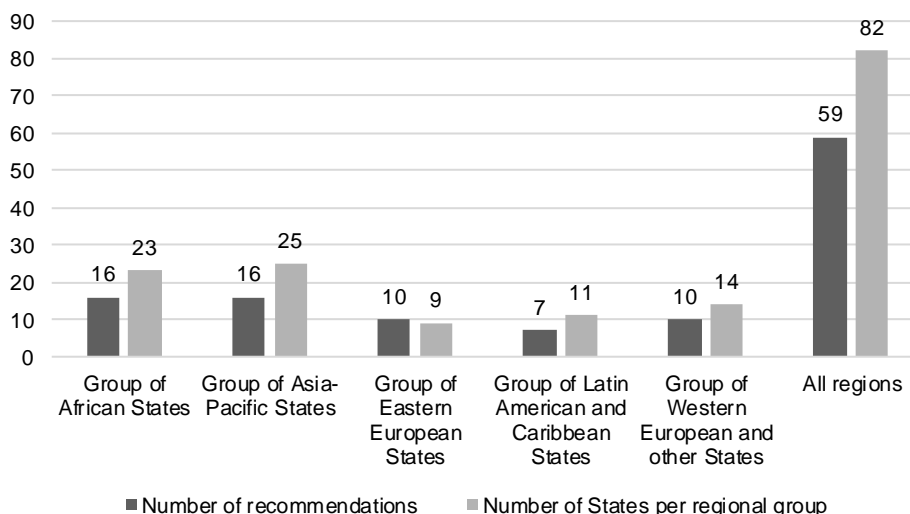


Figure 47

Number of recommendations issued with regard to the implementation of article 7, paragraph 4, by regional group and in total

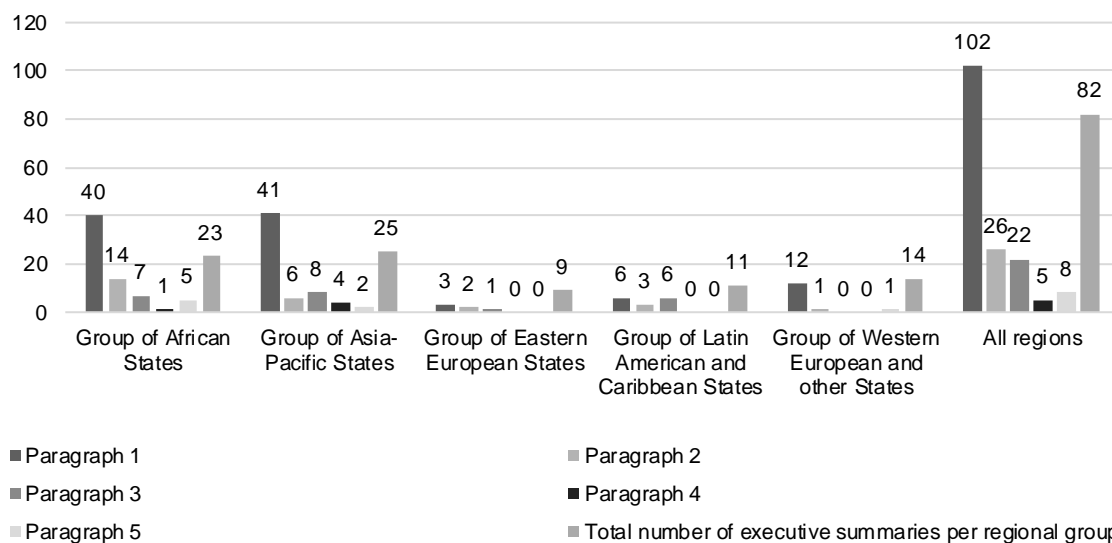


65. With regard to measures to prevent money-laundering (art. 14), the number of recommendations was not distributed evenly between the paragraphs of the article in any of the regional groups (see figure 48). While paragraph 1 of article 14 was the subject of the highest number of recommendations in almost all regional groups, the

implementation of the other paragraphs of article 14 did not appear to pose a major challenge in any of the groups.

Figure 48

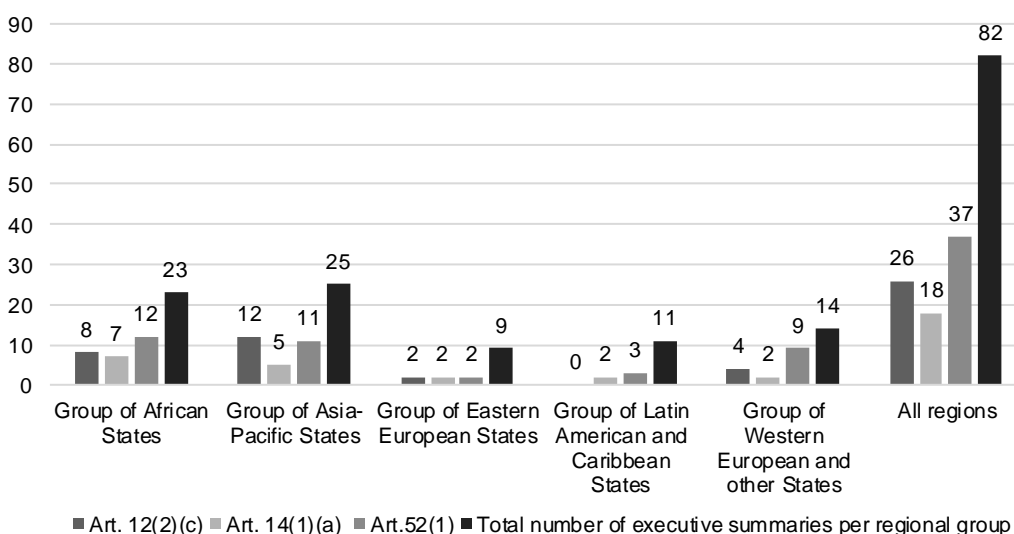
Number of recommendations issued with regard to the implementation of each paragraph of article 14, by regional group and in total



66. With regard to the identification of beneficial owners (art. 12, para. 2 (c); art. 14, para. 1 (a); and art. 52, para. 1), the highest number of recommendations was issued in relation to article 52, paragraph 1, of the Convention (see figure 49). However, where beneficial owners were not identified or where such identification was inadequate, reviewers in many cases issued joint recommendations covering both article 14, paragraph 1 (a), and article 52, paragraph 1, of the Convention.

Figure 49

Number of recommendations issued with regard to the implementation of article 12, paragraph 2 (c); article 14, paragraph 1 (a); and article 52, paragraph 1



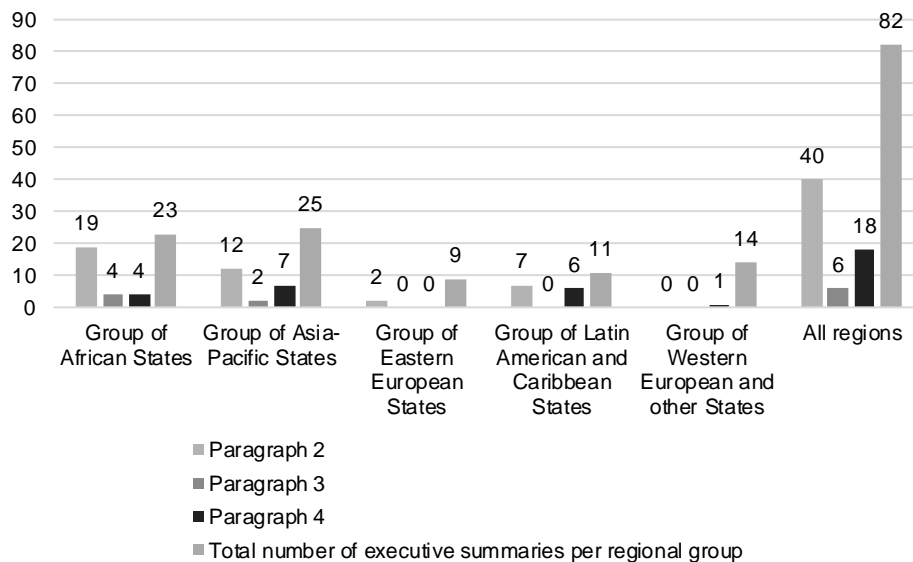
67. With regard to the issuance of advisories inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering (art. 52, para. 2 (a)), and the existence of systems enabling States parties to communicate the identity of high-risk clients identified (art. 52, para. 2 (b)), more than half of African States and Latin American and Caribbean States faced challenges. Only a few African States and Asia-Pacific States received recommendations in relation to the

implementation of provisions on record-keeping and specific requirements for high-risk accounts and transactions, such as those involving politically exposed persons (art. 52, para. 3). In that regard, most of the recommendations related to the period during which records must be maintained.

68. Prevention of the establishment of shell banks does not seem to pose a major challenge in any of the regional groups. Except in the case of the Latin American and the Caribbean States, fewer than a quarter of States received a recommendation relating to article 52, paragraph 4, of the Convention.

Figure 50

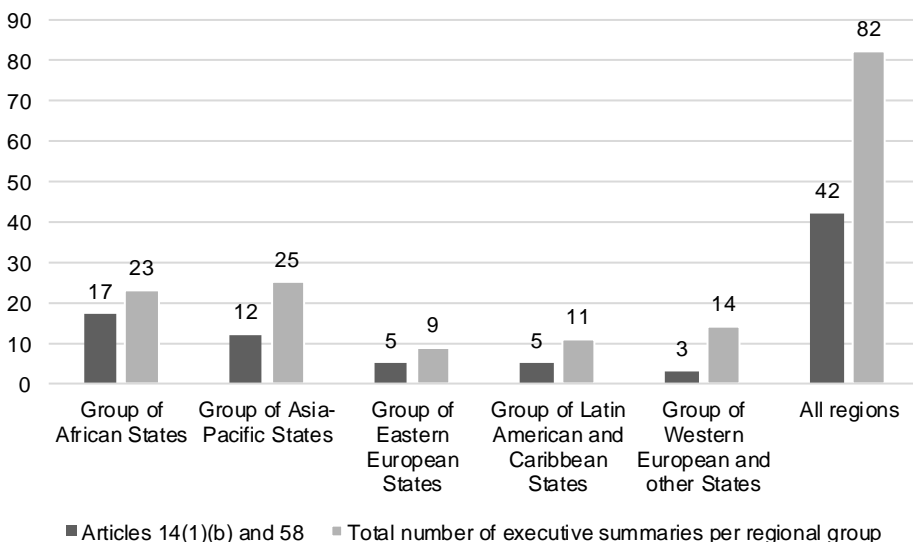
Number of recommendations issued with regard to the implementation of article 52, paragraphs 2 to 4



69. A range of challenges were identified in relation to financial intelligence units (art. 14, para. 1 (b), and art. 58), in particular in the African States, approximately 43 per cent of which received recommendations. Most recommendations related to the provision of additional resources to financial intelligence units, the signature of memorandums of understanding aimed at enhancing cooperation with other units and the capacity of those units to issue freezing orders.

Figure 51

Number of recommendations issued with regard to the implementation of article 14, paragraph 1 (b), and article 58, by regional group and in total



V. Outlook

70. The present report reflects the analysis of 82 completed executive summaries and more detailed information provided in the country review reports. The completion of further country reviews will enable a more comprehensive analysis of trends in the implementation of the Convention with a view to the preparation of a study on the state of implementation of the provisions under review during the second cycle, to complement the study on the provisions under review during the first cycle (*State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation*, 2nd ed.).
