



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

Distr.: General  
25 September 2013

Original: English

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**Fifth session**

Panama City, 25-29 November 2013

Item 3 of the provisional agenda\*

**Technical assistance**

**Analysis of technical assistance needs emerging from the  
country reviews**

**Note by the Secretariat**

*Summary*

The present note contains information on the technical assistance needs identified by States parties in the context of country review processes on the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the United Nations Convention against Corruption. It also provides a brief summary of the discussions and conclusions relating to technical assistance during the sessions of the Implementation Review Group of the Convention and suggests areas for further consideration.

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\* CAC/COSP/2013/1.



## I. Introduction

1. In its resolution 3/1, the Conference of the States Parties to the United Nations Convention against Corruption adopted the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. The Conference also decided that the Implementation Review Group of the Convention would be in charge of following up and continuing the work of the Open-ended Intergovernmental Working Group on Technical Assistance. Pursuant to paragraph 11 of the terms of reference, one of the goals of the Review Mechanism is to help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance. In accordance with paragraph 44 of the terms of reference, the Review Group is tasked to consider technical assistance requirements in order to ensure effective implementation of the Convention.

2. In its resolution 4/1, the Conference recommended that all States parties, where applicable, in their responses to the comprehensive self-assessment checklists and in the country reports, should identify technical assistance requirements, preferably prioritized and related to the implementation of the provisions of the Convention, and decided that the Review Group should consider, on the basis of the outcome of the review process and consistent with the terms of reference of the Mechanism, priority areas for the provision of technical assistance, as well as consolidated information on trends in requirements for and provision of technical assistance.

3. The present note contains information on technical assistance needs identified in the country reviews for the implementation of chapters III and IV of the Convention by States parties under review in the first and second years of the first cycle of the Review Mechanism. It is based on information included in the country review reports and the executive summaries of the reviews of 44 States parties that had been completed, or were close to completion, at the time of drafting (1 September 2013).

4. Of the 44 States parties included in the review process and covered in the present note, 29 identified technical assistance needs for the implementation of chapter III of the Convention. These included eight States parties from the Group of African States, 12 from the Group of Asian and Pacific States, four from the Group of Eastern European States and five from the Group of Latin American and Caribbean States. A total of 26 States parties identified technical assistance needs for the implementation of chapter IV of the Convention. These included six from the Group of African States, 10 from the Group of Asian and Pacific States, eight from the Group of Eastern European States and two from the Group of Latin American and Caribbean States.

5. The comprehensive self-assessment checklist contains several predetermined categories of technical assistance needs: legislative drafting and legal advice; model legislation; development of an implementation action plan; a summary of good practices or lessons learned; model treaties or agreements; capacity-building programmes; assistance by an on-site expert; technological assistance; and a catch-all category for other assistance. Many of the needs identified during the

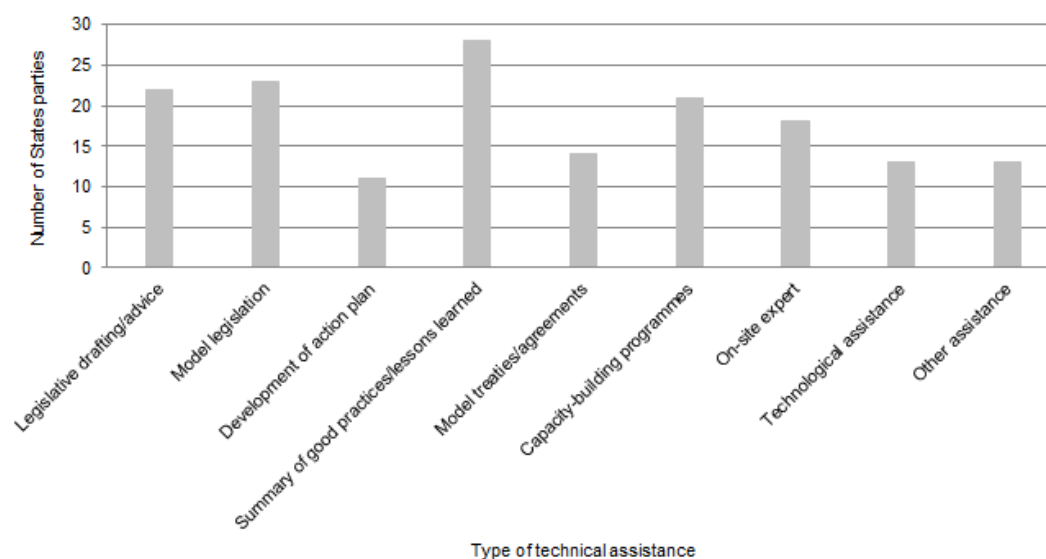
country review processes have fallen within these broad categories, but broader needs were also reflected in the country review reports and executive summaries.

6. Sections II and III of the present note contain an analysis of the technical assistance identified within these categories and details on other assistance. Section IV contains further analysis of trends in specific types of need identified and information on technical assistance needs that go beyond the scope of the provisions under review, as well as additional information on technical assistance already being provided. As more country review reports are finalized, it will also be possible to establish trends in technical assistance needs on a regional basis. However, the sample of States reflected in the present note was not proportionate to the relative size of the regional groups and within the regions there was wide disparity among the needs identified during the review process.

7. Figure I below provides an overview of the number of different types of need identified by States parties. Further data are available under the sections on each chapter of the Convention.

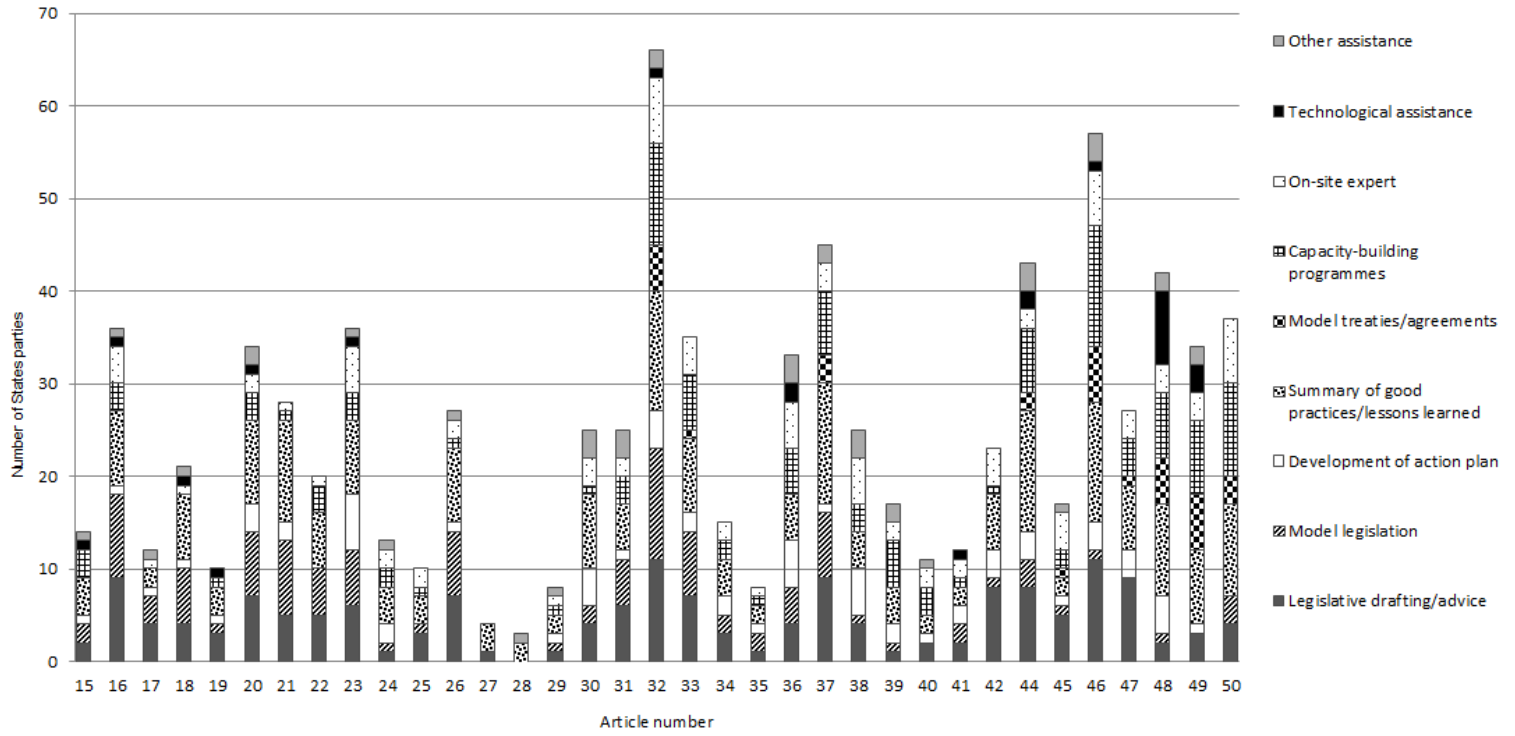
Figure I

**Technical assistance needs, by type and number of States parties**



8. Figure II below provides an overview of the number of different types of need identified by States parties for all articles of the chapters under review.

Figure II  
 Technical assistance needs identified by States parties, by article number



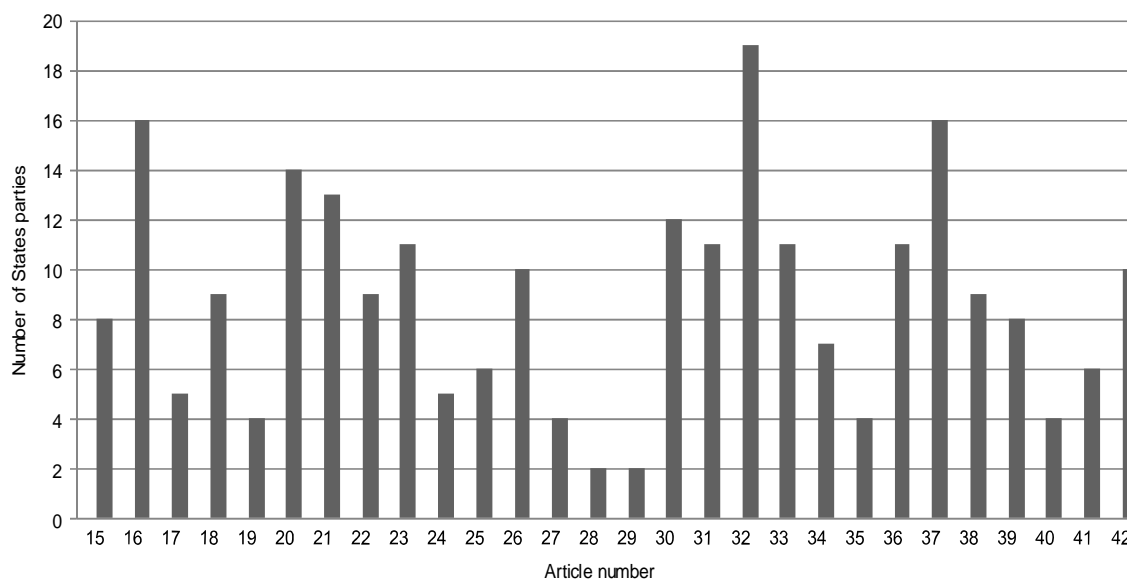
## II. Technical assistance needs identified for the implementation of chapter III

9. A total of 616 technical assistance needs were identified for the implementation of chapter III. Table 1 and figure III provide a breakdown of the number of needs by type and number of States parties for each article.

Table 1  
**Technical assistance needs under chapter III of the Convention**

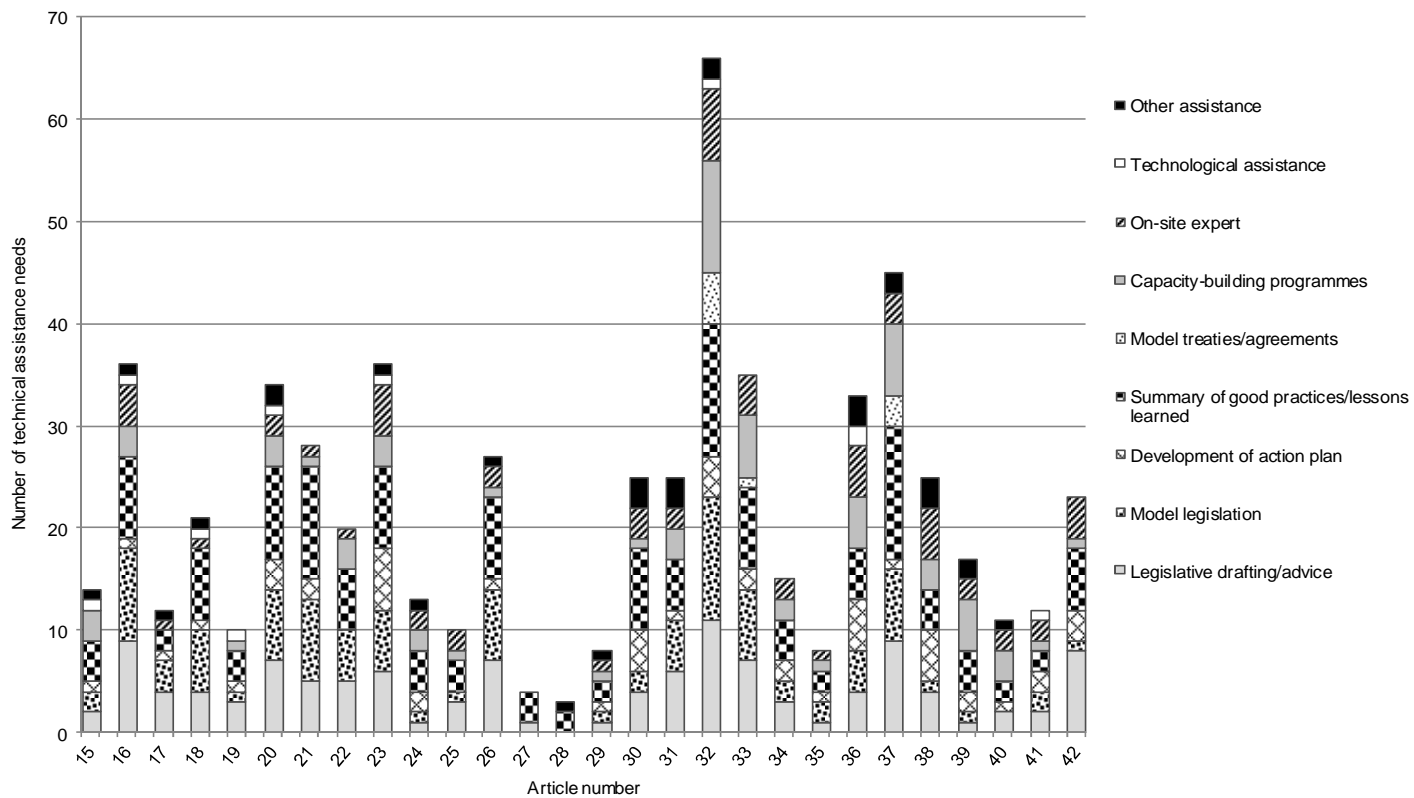
<i>Article</i>	<i>Number of States parties</i>	<i>Number of needs</i>
15	8	14
16	16	36
17	5	12
18	9	21
19	4	10
20	14	34
21	13	28
22	9	20
23	11	36
24	5	13
25	6	10
26	10	27
27	4	4
28	2	3
29	2	8
30	12	25
31	11	25
32	19	66
33	11	35
34	7	15
35	4	8
36	11	33
37	16	45
38	9	25
39	8	17
40	4	11
41	6	12
42	10	23

Figure III  
Number of States parties identifying technical assistance needs, by article



10. Figure IV below provides an overview of the total number of technical assistance needs broken down by article and by type of need, for the implementation of chapter III.

Figure IV  
**Technical assistance needs, by article and type of need**



## A. Bribery offences

### Bribery of national and foreign public officials and officials of public international organizations

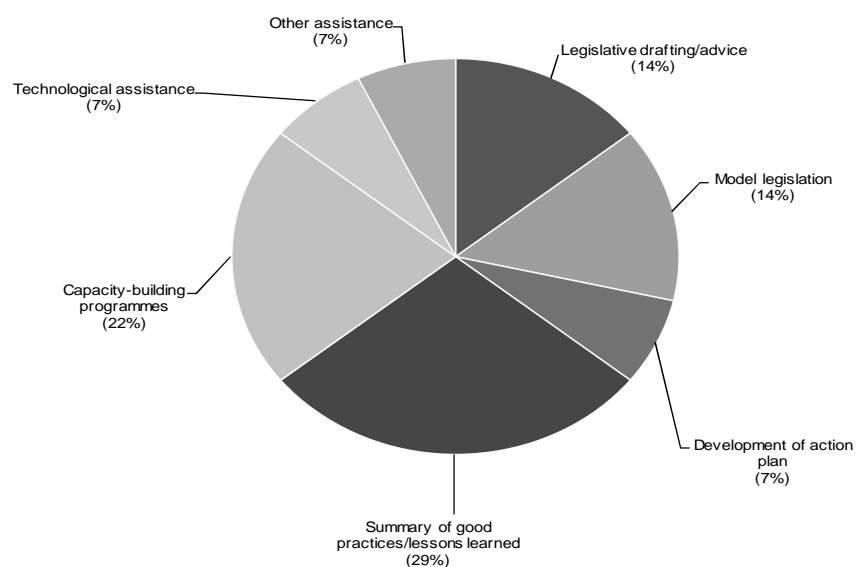
#### *Technical assistance needs related to articles 15 and 16*

11. Eight States parties identified 14 needs for technical assistance to support the implementation of article 15. Details of the main types of need are given in table 2 and figure V.

Table 2  
**Technical assistance needs related to article 15**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	4
Capacity-building programmes	3
Legislative drafting and legal advice	2
Model legislation	2
Development of an implementation action plan	1
Technological assistance	1
Other assistance	1
<b>Total</b>	<b>14</b>

Figure V  
**Technical assistance needs related to article 15**





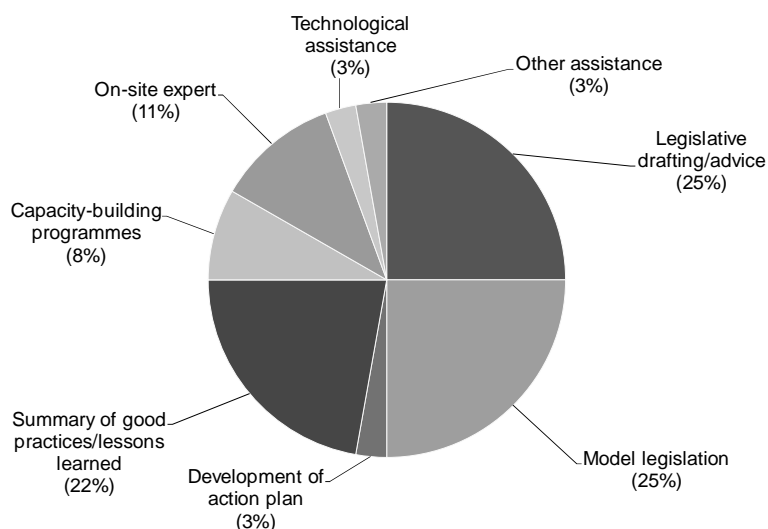
12. Challenges in implementing article 15 were identified as the most prevalent challenges faced by the States under review (see CAC/COSP/2013/6, table 1), with several aspects of the offence of bribery of national public officials being identified. While relatively few States identified technical assistance needs to enhance their implementation of that provision, one State highlighted specific needs for capacity-building of relevant staff such as prosecutors and investigators on a regular and continuing basis. Such capacity-building was required not only for enhancing substantive knowledge but also in interviewing and investigative techniques. Another State noted that it would be useful for its relevant staff to have workshops on case studies from various jurisdictions. One State requested information on legislation and training curricula of other countries along with on-site assistance to develop a training curriculum and conduct training of trainers.

13. A total of 16 States parties identified 36 needs for technical assistance to support the implementation of article 16. Details of the main types of need are given in table 3 and figure VI.

Table 3  
**Technical assistance needs related to article 16**

<i>Type of need</i>	<i>Number of States parties</i>
Legislative drafting and legal advice	9
Model legislation	9
Summary of good practices/lessons learned	8
On-site expert	4
Capacity-building programmes	3
Development of an implementation action plan	1
Technological assistance	1
Other assistance	1
<b>Total</b>	<b>36</b>

Figure VI  
**Technical assistance needs related to article 16**



14. The implementation of article 16 was also considered as among the most challenging for States (see CAC/COSP/2013/6, table 1), specifically with regard to the absence of a criminal offence of bribery of foreign public officials and officials of public international organizations or the category of individuals covered by such an offence. This provision had the second highest number of States under review identifying technical assistance needs for its implementation, correlating with the challenges faced in establishing a legal framework in this regard. One State noted the need to have information on cases and investigative techniques regarding this provision from other countries, and one other State highlighted the need for exchange of experiences at the regional level.

## **B. Abuse of power or office and related conduct**

### **Embezzlement, trading in influence, abuse of functions and illicit enrichment**

#### *Technical assistance needs related to articles 17, 18 and 19*

15. Five States parties identified 12 needs for technical assistance to support the implementation of article 17. Details of the main types of need are given in table 4.

Table 4  
**Technical assistance needs related to article 17**

<i>Type of need</i>	<i>Number of States parties</i>
Legislative drafting and legal advice	4
Model legislation	3
Summary of good practices/lessons learned	2
On-site expert	1
Development of an implementation action plan	1
Other assistance	1
<b>Total</b>	<b>12</b>

16. Nine States parties identified 21 needs for technical assistance to support the implementation of article 18. Details of the main types of need are given in table 5.

Table 5  
**Technical assistance needs related to article 18**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	7
Model legislation	6
Legislative drafting and legal advice	4
Development of an implementation action plan	1
On-site expert	1
Technological assistance	1
Other assistance	1
<b>Total</b>	<b>21</b>

17. Four States parties identified 10 needs for technical assistance to support the implementation of article 19. Details of the main types of need are given in table 6.

Table 6  
**Technical assistance needs related to article 19**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	3
Legislative drafting and legal advice	3
Model legislation	1
Development of an implementation action plan	1
Capacity-building programmes	1
Technological assistance	1
<b>Total</b>	<b>10</b>

*Technical assistance needs related to article 20*

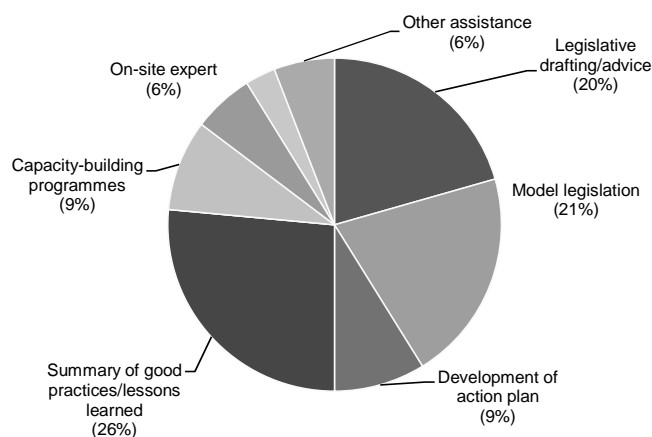
18. A total of 14 States parties identified 34 needs for technical assistance to support the implementation of article 20. Details of the main types of need are given in table 7 and figure VII.

Table 7

**Technical assistance needs related to article 20**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	9
Legislative drafting and legal advice	7
Model legislation	7
Development of an implementation action plan	3
Capacity-building programmes	3
Other assistance	2
On-site expert	2
Technological assistance	1
<b>Total</b>	<b>34</b>

Figure VII

**Technical assistance needs related to article 20**

19. The implementation of article 20 presented common challenges for several States (see CAC/COSP/2013/6, table 1) and had a high number of States identifying technical assistance needs for its implementation. The challenges included constitutional limitations and legal specificities, along with national decisions not to establish illicit enrichment as a criminal offence and issues relating to asset and income disclosure systems. Several States highlighted their interest in further examining the possibility of implementing this provision, while also recalling that this would pose challenges in relation to their domestic legal system. These States identified technical assistance needs that correlated with that consideration and the

wish to conduct further research, in particular in terms of legal advice and summary of good practices and lessons learned from other States. In the absence of having an illicit enrichment provision, many States regarded the existence of systems for asset and income declarations as another way of collecting important data for corruption investigations. Therefore, technical assistance needs under this article also related to specific challenges with regard to asset and income disclosure systems as well as potential overlap with other legislation. One State identified its need for assistance in the form of training in financial profiling, net worth analysis and asset tracing and seizure. Another State highlighted the need for assistance in drafting new legislation that would provide the relevant financial disclosure department with the powers to verify information submitted in asset declarations.

### C. Private sector offences

#### Bribery and embezzlement in the private sector

*Technical assistance needs related to articles 21 and 22*

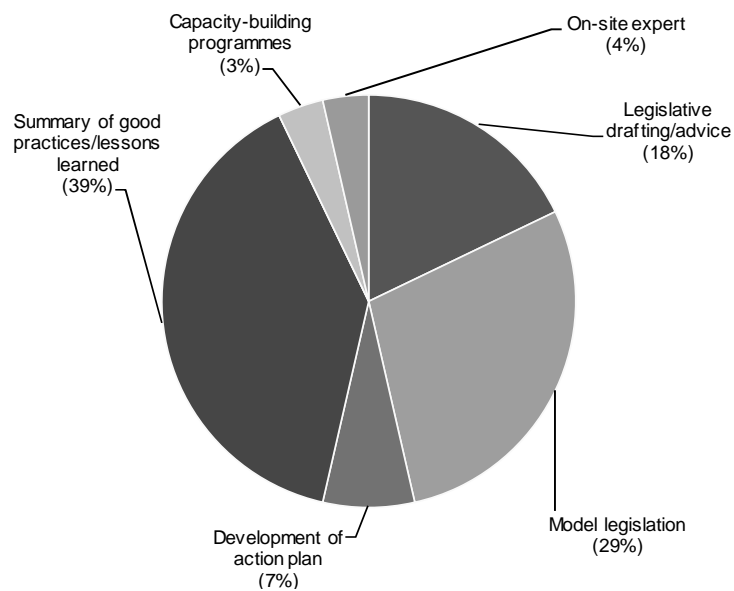
20. A total of 13 States parties identified 28 needs for technical assistance to support the implementation of article 21. Details of the types of need are given in table 8 and figure VIII.

Table 8

#### Technical assistance needs related to article 21

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	11
Model legislation	8
Legislative drafting and legal advice	5
Development of an implementation action plan	2
On-site expert	1
Capacity-building programmes	1
<b>Total</b>	<b>28</b>

Figure VIII  
**Technical assistance needs related to article 21**

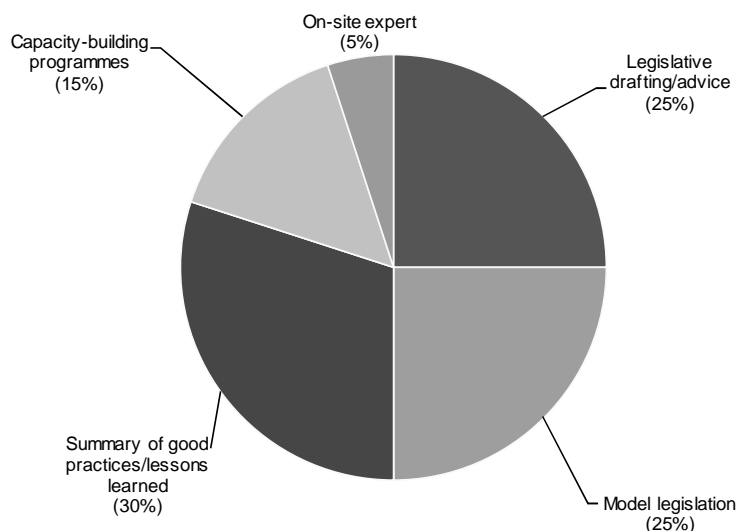


21. Nine States parties identified 20 needs for technical assistance to support the implementation of article 22. Details of the types of need are given in table 9 and figure IX.

Table 9  
**Technical assistance needs related to article 22**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	6
Legislative drafting and legal advice	5
Model legislation	5
Capacity-building programmes	3
On-site expert	1
<b>Total</b>	<b>20</b>

Figure IX  
**Technical assistance needs for the implementation of article 22**



22. While a relatively high number of States identified needs with regard to implementing articles 21 and 22, in particular for legal advice and a summary of good practices, corresponding challenges in implementation were not noted. While several States noted needs for the implementation of article 21 in particular, there was little detail in the country reports on specific aspects of assistance to be provided. This may indicate that a number of States may be fully satisfied with the implementation of these provisions and wish to improve their performance as an outcome of the reviews.

#### **D. Other offences**

##### **Money-laundering, concealment and obstruction of justice**

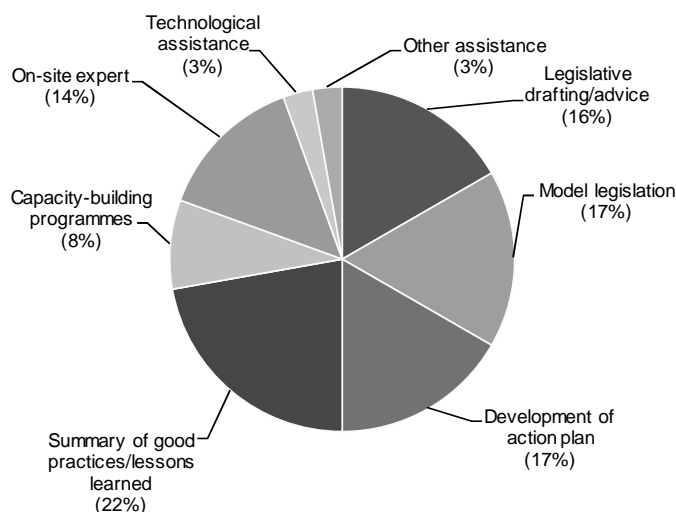
###### *Technical assistance needs related to article 23*

23. A total of 11 States parties identified 36 needs for technical assistance to support the implementation of article 23. Details of the types of need are given in table 10 and figure X.

Table 10  
**Technical assistance needs related to article 23**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	8
Legislative drafting and legal advice	6
Model legislation	6
Development of an implementation action plan	6
On-site expert	5
Capacity-building programmes	3
Other assistance	1
Technological assistance	1
<b>Total</b>	<b>36</b>

Figure X  
**Technical assistance needs related to article 23**



24. For the implementation of article 23, one State noted that its legal framework contained provisions on “politically exposed persons” but that it required training for law enforcement officials on money-laundering and identifying assets belonging to such persons. Another State highlighted its need to promote greater use of existing money-laundering legislation and to train investigators and prosecutors in a “follow-the-money” approach. Capacity-building for financial intelligence units was a common trend, with one State noting specifically the need for assistance in the establishment of the unit itself. One State pointed specifically to the need for training for staff of judicial agencies and banks and another State highlighted its need to enhance information technology systems and the capacity of its agents to expedite information-sharing. Several good practices in the implementation of this article were noted in the thematic report on chapter III of the Convention (CAC/COSP/2013/6).



*Technical assistance needs related to articles 24 and 25*

25. Five States parties identified 13 needs for technical assistance to support the implementation of article 24. Details of the types of need are given in table 11. Under other assistance, a requirement for support for the development of a criminal records database was identified.

Table 11  
**Technical assistance needs related to article 24**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	4
On-site expert	2
Development of an implementation action plan	2
Capacity-building programmes	2
Legislative drafting and legal advice	1
Model legislation	1
Other assistance	1
<b>Total</b>	<b>13</b>

26. Six States parties identified 10 needs for technical assistance to support the implementation of article 25. Details of the types of need are given in table 12.

Table 12  
**Technical assistance needs related to article 25**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	3
Legislative drafting and legal advice	3
On-site expert	2
Model legislation	1
Capacity-building programmes	1
<b>Total</b>	<b>10</b>

## **E. Substantive and procedural provisions supporting criminalization**

### **Liability of legal persons, participation and attempt, knowledge, intent and purpose, and statute of limitations**

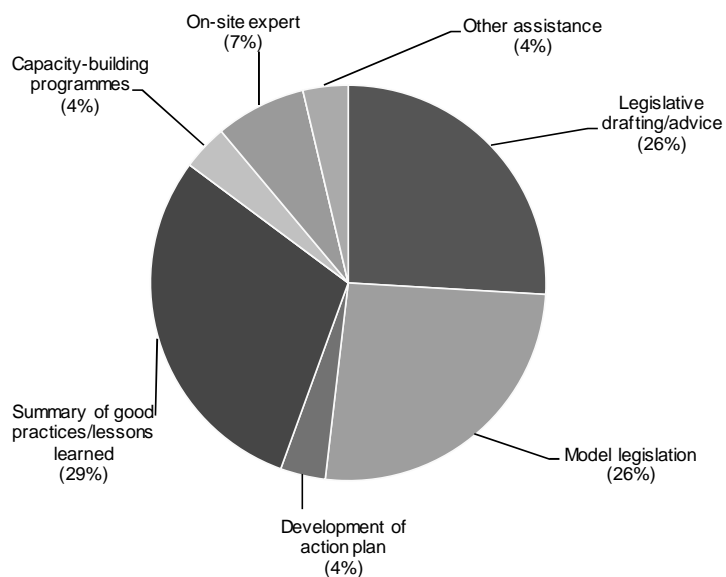
#### *Technical assistance needs related to article 26*

27. A total of 10 States parties identified 27 needs for technical assistance to support the implementation of article 26. Details of the types of need are given in table 13 and figure XI. Under other assistance, one State noted the need for assistance to strengthen the investigative skills of its agents to support the prosecution of cases involving legal persons. Several good practices in the implementation of this article were noted in the thematic report on chapter III of the Convention (CAC/COSP/2013/6).

Table 13  
**Technical assistance needs related to article 26**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	8
Legislative drafting and legal advice	7
Model legislation	7
On-site expert	2
Development of an implementation action plan	1
Capacity-building programmes	1
Other assistance	1
<b>Total</b>	<b>27</b>

Figure XI  
**Technical assistance needs related to article 26**



*Technical assistance needs related to articles 27, 28 and 29*

28. Four States identified 4 needs for technical assistance to support the implementation of article 27. Details of the types of need were given in table 14.

Table 14  
**Technical assistance needs related to article 27**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	3
Legislative drafting and legal advice	1
<b>Total</b>	<b>4</b>

29. Two States identified 3 needs for technical assistance to support the implementation of article 28. Details of the types of need are given in table 15.

Table 15  
**Technical assistance needs related to article 28**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	2
Other assistance	1
<b>Total</b>	<b>3</b>

30. Two States parties identified 8 needs for technical assistance to support the implementation of article 29. Details of the types of need are given in table 16.

Table 16  
**Technical assistance needs related to article 29**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	2
On-site expert	1
Legislative drafting and legal advice	1
Model legislation	1
Development of an implementation action plan	1
Capacity-building programmes	1
Other assistance	1
<b>Total</b>	<b>8</b>

## **F. Measures to enhance criminal justice**

### **Prosecution, adjudication and sanctions**

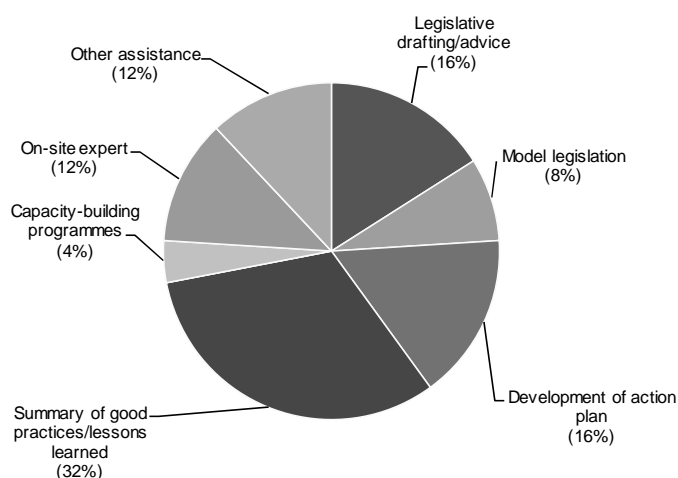
#### *Technical assistance needs related to article 30*

31. A total of 12 States parties identified 25 needs for technical assistance to support the implementation of article 30. Details of the types of need are given in table 17 and figure XII. Of the three States identifying other assistance needs, two States identified needs for financial assistance.

Table 17  
**Technical assistance needs related to article 30**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	8
Legislative drafting and legal advice	4
Development of an implementation action plan	4
Other assistance	3
On-site expert	3
Model legislation	2
Capacity-building programmes	1
<b>Total</b>	<b>25</b>

Figure XII  
**Technical assistance needs related to article 30**



32. Article 30 was noted as being the provision with the second highest number of challenges identified in implementation by States under review (see CAC/COSP/2013/6, table 1). For instance, for the implementation of paragraph 1, relating to sanctions, one State specifically identified a need to review the sanctions contained in its Penal Code and requested on-site assistance by an expert. On the implementation of paragraph 2, on immunities and jurisdictional privileges, one State highlighted the need for awareness-raising among the legal profession and academia, as well as training on the experiences of other States regarding the suspension of immunities of high-ranking officials and how to reduce delays in deciding on such suspension by the competent bodies. Several good practices in the implementation of this article were noted in the thematic report on chapter III of the Convention (see CAC/COSP/2013/7).

### Freezing, seizure and confiscation

#### *Technical assistance needs related to article 31*

33. A total of 11 States parties identified 25 needs for technical assistance to support the implementation of article 31. Details of the main types of need are given in table 18 and figure XIII. Three States identified needs for other assistance, including two in the form of conducting surveys.

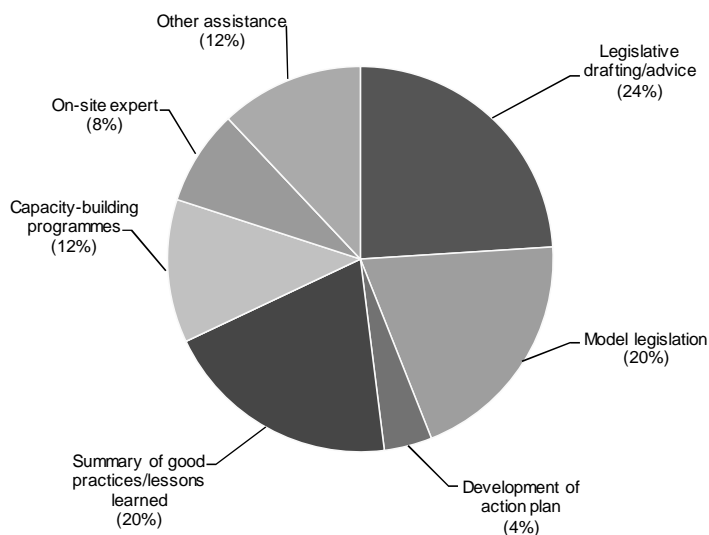
Table 18

#### Technical assistance needs related to article 31

<i>Type of need</i>	<i>Number of States parties</i>
Legislative drafting and legal advice	6
Summary of good practices/lessons learned	5
Model legislation	5
Capacity-building programmes	3
Other assistance	3
On-site expert	2
Development of an implementation action plan	1
<b>Total</b>	<b>25</b>

Figure XIII

#### Technical assistance needs related to article 31



34. Several challenges were prevalent among States in the implementation of article 31 (see CAC/COSP/2013/6, table 1) and the number of States identifying technical assistance needs reflects the challenges with regard to legal frameworks, including one specific need for advice on implementing article 31, paragraph 1 (b), on instrumentalities destined for use in corruption offences. One State also identified needs related to the implementation of article 31, including training on

determining which assets had been laundered and transformed; enhancing the capacity and use of information technology in rural areas in order to locate and transfer assets and property through a network of competent authorities; and equipping investigators with the necessary technology and tools for recording. Two other States highlighted the need to provide technical expertise and training to investigators and prosecutors on asset confiscation and forfeiture, with one of those mentioning also the management of seized assets. One State requested legal advice and expertise on asset forfeiture and the administration of seized, frozen or confiscated assets, and more generally on a case management system. Several good practices in the implementation of this article were noted in the thematic report on chapter III of the Convention (CAC/COSP/2013/7).

### **Protection of witnesses, experts, victims and reporting persons**

#### *Technical assistance needs related to articles 32 and 33*

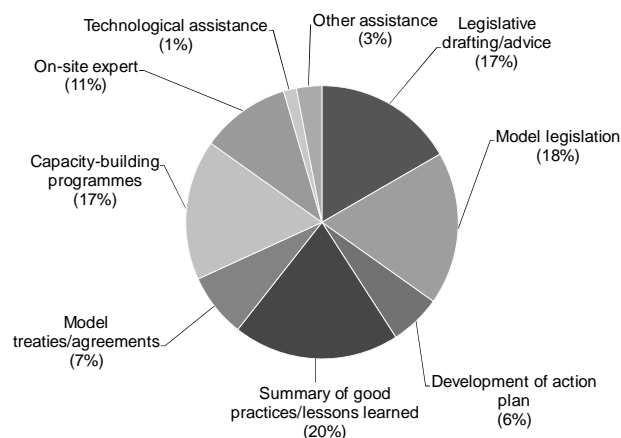
35. A total of 19 States parties identified 66 needs for technical assistance to support the implementation of article 32. Details of the types of need are given in table 19 and figure XIV.

Table 19

#### **Technical assistance needs related to article 32**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	13
Model legislation	12
Legislative drafting and legal advice	11
Capacity-building programmes	11
On-site expert	7
Model treaties/agreements	5
Development of an implementation action plan	4
Other assistance	2
Technological assistance	1
<b>Total</b>	<b>66</b>

Figure XIV  
**Technical assistance needs related to article 32**



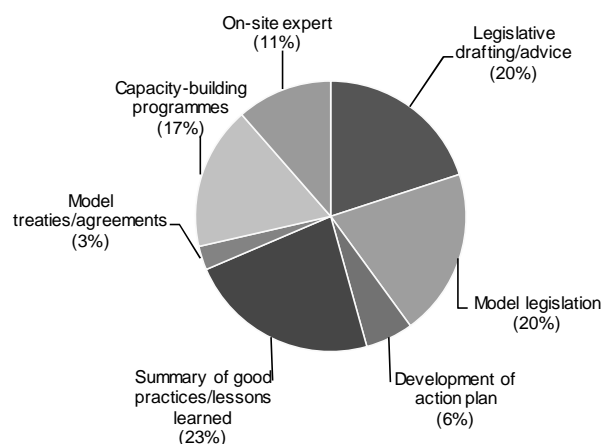
36. Of the provisions under review, article 32 was the article with the highest number of States parties identifying technical assistance needs for its implementation, in a wide variety of types. In addition to the technical assistance types included in the checklist, two States identified other types of assistance, including information technology training, facilities to provide for consultative services, the sharing of experiences and the capacity to provide relocation. Several States identified the need to establish, strengthen and manage witness and expert protection programmes, with capacity-building for the relevant authorities. This trend may demonstrate the interest of a high number of States in putting in place such measures in the future.

37. A total of 11 States parties identified 35 needs for technical assistance to support the implementation of article 33. Details of the types of need are given in table 20 and figure XV.

Table 20  
**Technical assistance needs related to article 33**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	8
Legislative drafting and legal advice	7
Model legislation	7
Capacity-building programmes	6
On-site expert	4
Development of an implementation action plan	2
Model treaties/agreements	1
<b>Total</b>	<b>35</b>

Figure XV  
**Technical assistance needs related to article 33**



### Consequences of acts of corruption and compensation for damage

#### *Technical assistance needs related to articles 34 and 35*

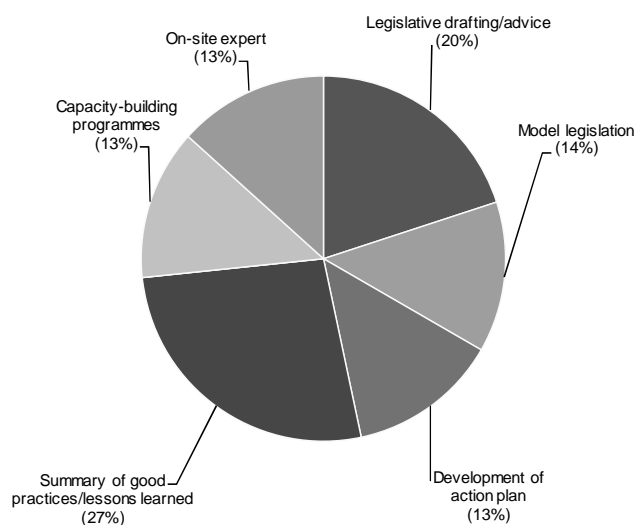
38. Seven States parties identified 15 needs for technical assistance to support the implementation of article 34. Details of the types of need are given in table 21 and figure XVI. One State specifically identified its need for a summary of good practices and lessons learned with regard to the annulment of public contracts as a consequence of corruption.

Table 21  
**Technical assistance needs related to article 34**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	4
On-site expert	3
Legislative drafting and legal advice	3
Model legislation	2
Development of an implementation action plan	2
Capacity-building programmes	1
<b>Total</b>	<b>15</b>



Figure XVI  
**Technical assistance needs related to article 34**



39. Four States parties identified 8 needs for technical assistance to support the implementation of article 35. Details of the types of need are given in table 22.

Table 22  
**Technical assistance needs related to article 35**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	2
Model legislation	2
Legislative drafting and legal advice	1
On-site expert	1
Development of an implementation action plan	1
Capacity-building programmes	1
<b>Total</b>	<b>8</b>

## G. Institutional provisions

### Specialized authorities

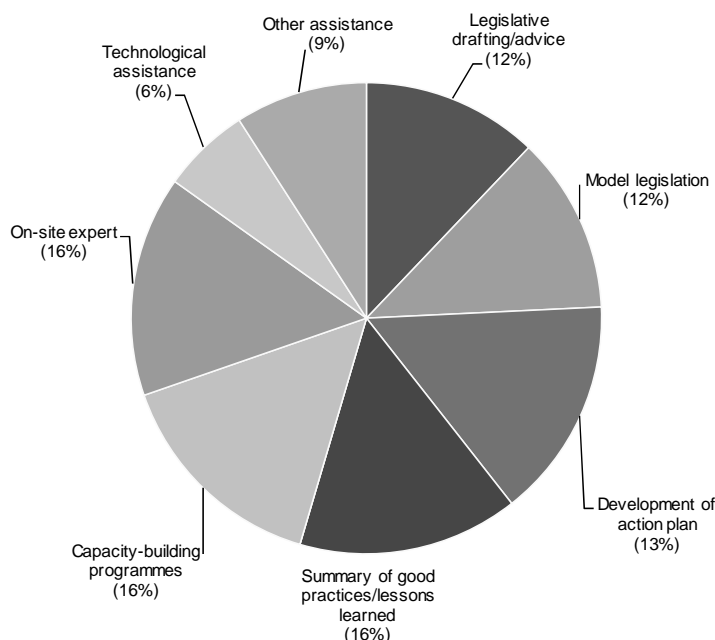
#### *Technical assistance needs related to article 36*

40. A total of 11 States parties identified 33 needs for technical assistance to support the implementation of article 36. Details of the main types of need are given in table 23 and figure XVII. Needs identified under other assistance included one in the form of training on the use of facilities and investigative techniques.

Table 23  
**Technical assistance needs related to article 36**

<i>Type of need</i>	<i>Number of States parties</i>
On-site expert	5
Summary of good practices/lessons learned	5
Development of an implementation action plan	5
Capacity-building programmes	5
Model legislation	4
Legislative drafting and legal advice	4
Other assistance	3
Technological assistance	2
<b>Total</b>	<b>33</b>

Figure XVII  
**Technical assistance needs related to article 36**



41. Several of the States that identified technical assistance needs to support the implementation of article 36 underlined the need for capacity-building and specialized training for their law enforcement bodies, which were in some cases newly established. One State mentioned knowledge-sharing with other specialized authorities and another State indicated a need for training on special investigative techniques. One State also referred to the establishment of case management systems. Several good practices in the implementation of article 36 were noted in the thematic report on chapter III of the Convention (CAC/COSP/2013/7).

### Cooperation with law enforcement authorities

#### *Technical assistance needs related to article 37*

42. A total of 16 States parties identified 45 needs for technical assistance to support the implementation of article 37. Details of the types of need are given in table 24 and figure XVIII.

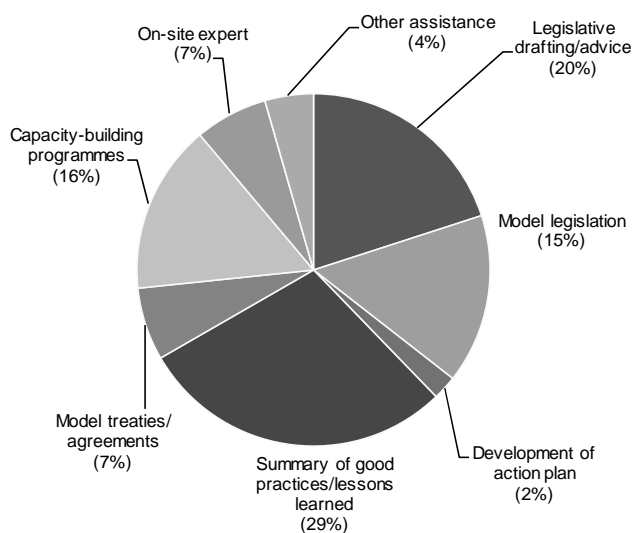
Table 24

#### **Technical assistance needs related to article 37**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	13
Legislative drafting and legal advice	9
Capacity-building programmes	7
Model legislation	7
On-site expert	3
Model treaties/programmes	3
Other assistance	2
Development of an implementation action plan	1
<b>Total</b>	<b>45</b>

Figure XVIII

#### **Technical assistance needs related to article 37**



43. Article 37 garnered the second highest number of States identifying technical assistance needs for its implementation. Of the needs identified, the prevalence of needs for good practices and lessons learned, as well as needs relating to legal frameworks, may indicate that States parties are expressing an increasing interest in

implementing this provision, bearing in mind that a high number have not yet done so. Of the States identifying needs relating to article 37, there were few specific details in the country reports, although one State noted the need for awareness-raising on this provision.

### **Cooperation between national authorities**

#### *Technical assistance needs related to article 38*

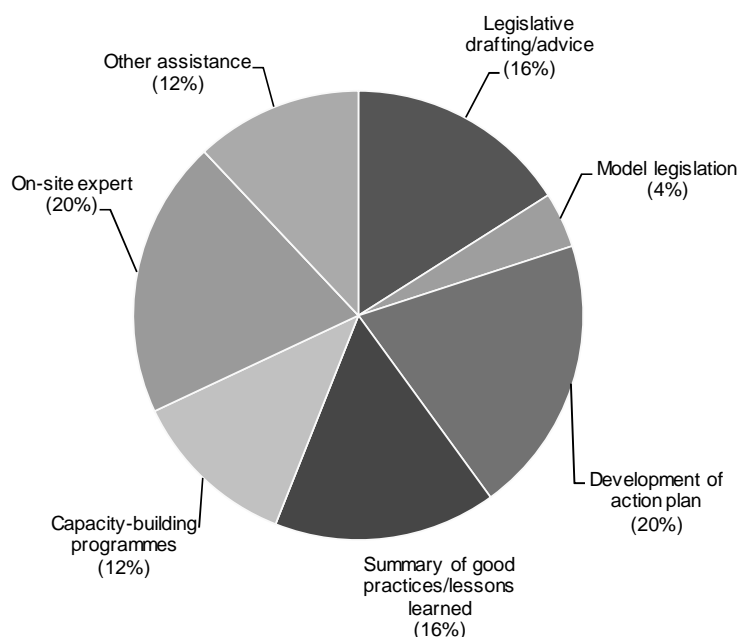
44. Nine States parties identified 25 needs for technical assistance to support the implementation of article 38. Details of the types of need are given in table 25 and figure XIX.

Table 25

#### **Technical assistance needs related to article 38**

<i>Type of need</i>	<i>Number of States parties</i>
On-site expert	5
Development of an implementation action plan	5
Legislative drafting and legal advice	4
Summary of good practices/lessons learned	4
Capacity-building programmes	3
Other assistance	3
Model legislation	1
<b>Total</b>	<b>25</b>

Figure XIX  
**Technical assistance needs related to article 38**



45. One State specifically indicated the need to harmonize information exchanged between different national authorities through the establishment of a database linking them. Needs identified in relation to the implementation of article 38 also included financial and material assistance. Several good practices in the implementation of article 38 were noted in the thematic report on chapter III of the Convention (CAC/COSP/2013/7).

#### **Cooperation between national authorities and the private sector**

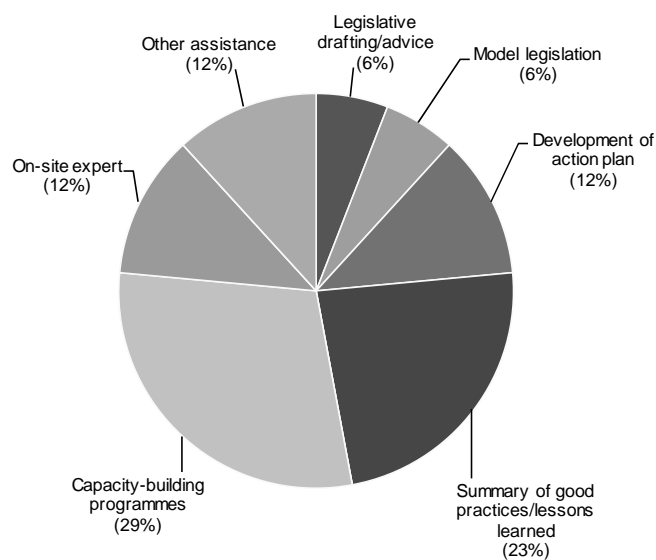
##### *Technical assistance needs related to article 39*

46. Eight States parties identified 17 needs for technical assistance to support the implementation of article 39. Details of the types of need are given in table 26 and figure XX. Under other assistance, needs in the form of promoting awareness of corruption and developing methodologies for statistics were identified. Several good practices in the implementation of this article were noted in the thematic report on chapter III of the Convention (CAC/COSP/2013/7).

Table 26  
**Technical assistance needs related to article 39**

<i>Type of need</i>	<i>Number of States parties</i>
Capacity-building programmes	5
Summary of good practices/lessons learned	4
Other assistance	2
Development of an implementation action plan	2
On-site expert	2
Legislative drafting and legal advice	1
Model legislation	1
<b>Total</b>	<b>17</b>

Figure XX  
**Technical assistance needs related to article 39**



## H. Other provisions

### Bank secrecy, criminal record and jurisdiction

*Technical assistance needs related to articles 40, 41 and 42*

47. Four States parties identified 11 needs for technical assistance to support the implementation of article 40. Details of the types of need are given in table 27.

Table 27  
**Technical assistance needs related to article 40**

<i>Type of need</i>	<i>Number of States parties</i>
Capacity-building programmes	3
Summary of good practices/lessons learned	2
Legislative drafting and legal advice	2
On-site expert	2
Development of an implementation action plan	1
Other assistance	1
<b>Total</b>	<b>11</b>

48. Six States parties identified 12 needs for technical assistance to support the implementation of article 41. Details of the types of need are given in table 28.

Table 28  
**Technical assistance needs related to article 41**

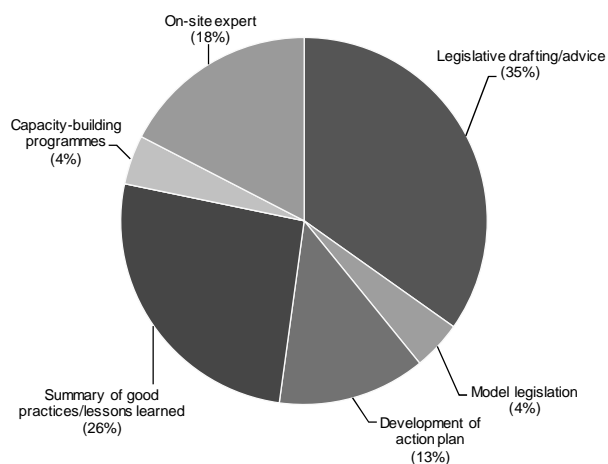
<i>Type of need</i>	<i>Number of States parties</i>
On-site expert	2
Summary of good practices/lessons learned	2
Legislative drafting and legal advice	2
Model legislation	2
Development of an implementation action plan	2
Capacity-building programmes	1
Technological assistance	1
<b>Total</b>	<b>12</b>

49. A total of 10 States parties identified 23 needs for technical assistance to support the implementation of article 42. Details of the types of need are given in table 29 and figure XXI.

Table 29  
**Technical assistance needs related to article 42**

<i>Type of need</i>	<i>Number of States parties</i>
Legislative drafting and legal advice	8
Summary of good practices/lessons learned	6
On-site expert	4
Development of an implementation action plan	3
Model legislation	1
Capacity-building programmes	1
<b>Total</b>	<b>23</b>

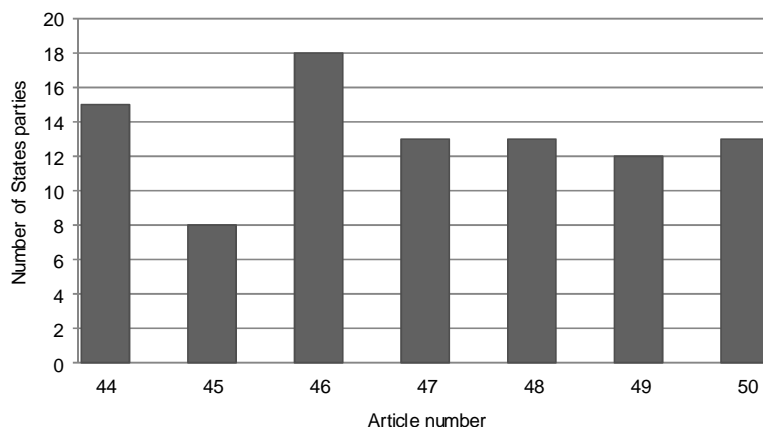
Figure XXI  
**Technical assistance needs related to article 42**



### III. Technical assistance needs identified for the implementation of chapter IV

50. Of the 44 States parties included in the review process and covered in the present note, 26 have identified technical assistance needs for the implementation of chapter IV of the Convention. Out of those 26 States, 10 indicated three needs or less. The bulk of needs for technical assistance were identified by just over one third (16 out of 44) of the States that have been reviewed to date. Figure XXII below contains the number of States parties identifying technical assistance needs by article. In the case of article 44, technical assistance needs ranged from one State party indicating seven needs for different types of technical assistance, to six States parties each identifying a need for one form of support.

Figure XXII  
**Technical assistance needs, by article**





51. To demonstrate these findings, the chart in figure XXIII shows the full range of needs identified by not only disaggregating them by number and article but also by summarizing the total number of needs identified per article.

52. In total, 257 technical assistance needs were identified for chapter IV. Table 30 and figure XXIII provide a breakdown of the number of needs by type and number of States parties for each article.

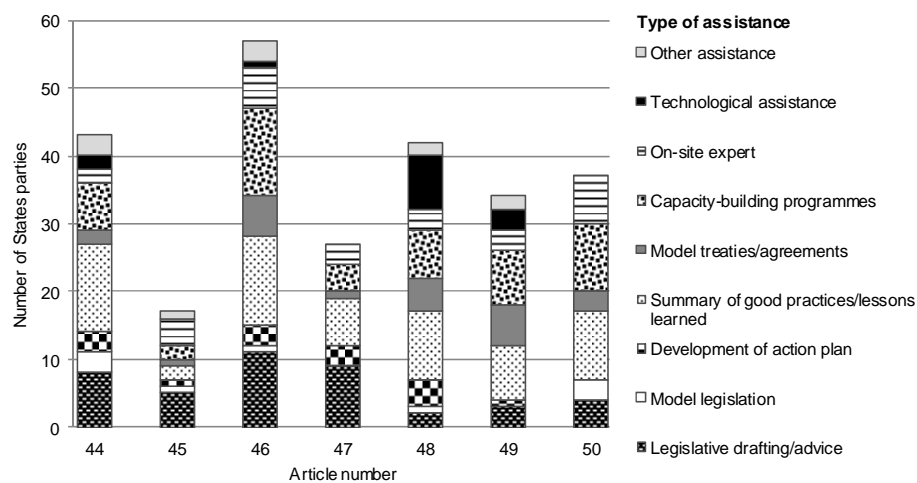
Table 30

**Technical assistance needs under chapter IV of the Convention**

<i>Article</i>	<i>Number of States parties</i>	<i>Number of needs</i>
44	15	43
45	8	17
46	18	57
47	13	27
48	13	42
49	12	34
50	13	37

Figure XXIII

**Technical assistance needs, by article, number of States parties and type of assistance**



## A. Extradition

### Technical assistance needs related to article 44

53. A total of 43 technical assistance needs were identified by 15 States in support of implementing article 44. Details of the needs are given in table 31 and figure XXIV.

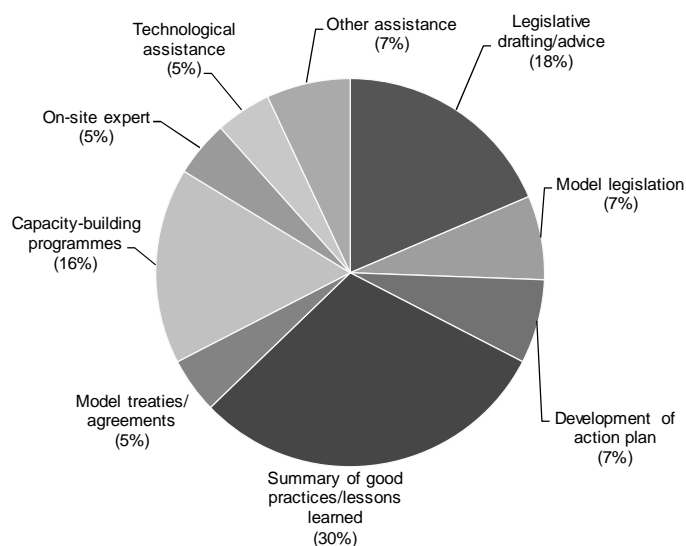
54. These needs correlate with the challenges outlined by States (see CAC/COSP/2013/8), in particular concerning legal frameworks and difficulties in gathering data and statistics. Under other forms of assistance, States identified assessing the effectiveness of extradition measures and policy; studies and analysis of extradition legislation and procedures to determine their effectiveness; and financial and material support. One State asked for support to develop a methodology to apply the Convention in relation to paragraph 4 of article 44. Several good practices in the implementation of this article were noted in the thematic reports on chapter IV of the Convention (CAC/COSP/2013/9 and CAC/COSP/2013/10).

Table 31

### Technical assistance needs related to article 44

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	13
Legislative drafting and legal advice	8
Capacity-building programmes	7
Model legislation	3
Development of an implementation action plan	3
Other assistance	3
Technological assistance	2
On-site expert	2
Model treaties and agreement	2
<b>Total</b>	<b>43</b>

Figure XXIV  
**Technical assistance needs related to article 44**



## B. Transfer of sentenced persons and of criminal proceedings

### Technical assistance needs related to articles 45 and 47

55. Eight States parties identified 17 needs for technical assistance to support the implementation of article 45. Details of the types of assistance requested are given in table 32.

Table 32

### Technical assistance needs related to article 45

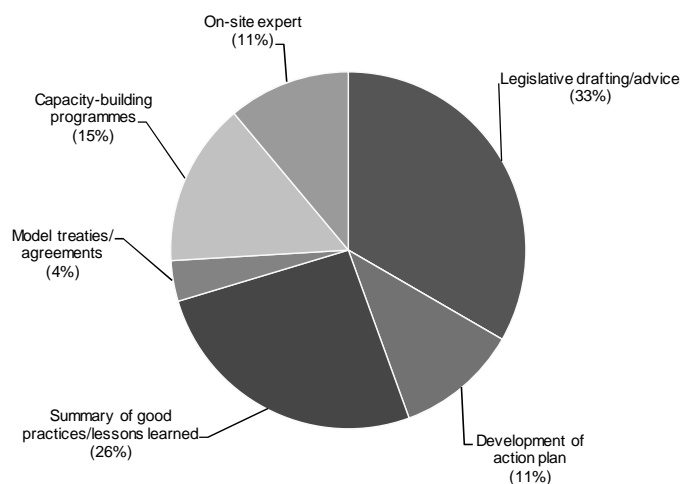
<i>Type of need</i>	<i>Number of States parties</i>
Legislative drafting and legal advice	5
On-site expert	4
Summary of good practices/lessons learned	2
Capacity-building programmes	2
Model legislation	1
Development of an implementation action plan	1
Other assistance	1
Model treaties and agreement	1
<b>Total</b>	<b>17</b>

56. A total of 13 States parties identified 27 needs for technical assistance to support the implementation of article 47. Details of the types of assistance are given in table 33 and figure XXV.

Table 33  
**Technical assistance needs related to article 47**

<i>Type of need</i>	<i>Number of States parties</i>
Legislative drafting and legal advice	9
Summary of good practices/lessons learned	7
Capacity-building programmes	4
On-site expert	3
Development of an implementation action plan	3
Model treaties and agreement	1
<b>Total</b>	<b>27</b>

Figure XXV  
**Technical assistance needs related to article 47**



## C. Mutual legal assistance

### Technical assistance needs related to article 46

57. A total of 18 States parties identified 57 needs for technical assistance to support the implementation of article 46. Details of the types of assistance requested are given in table 34 and figure XXVI.

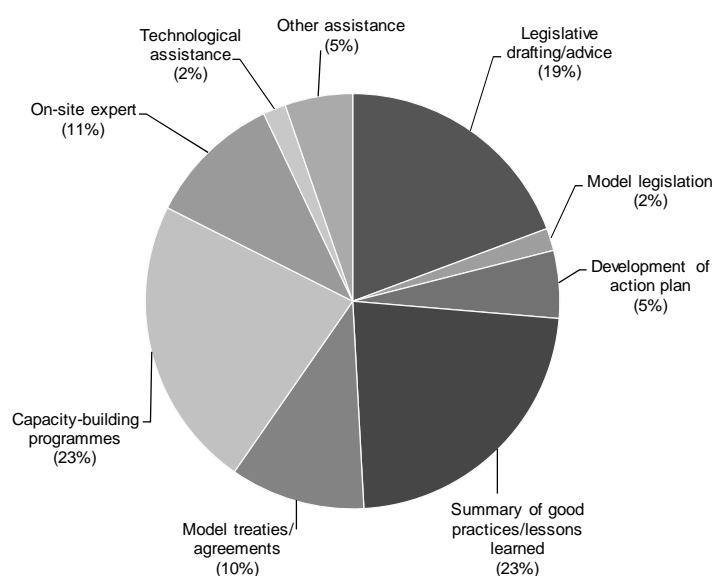
58. The challenges highlighted for the implementation of this article (see CAC/COSP/2013/10) were, inter alia, attributable to gaps in the legal frameworks and lack of information and statistics, as well as the need for inter-agency coordination. Under other assistance, two States requested assistance for developing a mutual legal assistance database that recorded data and information on requests in order to track them, one State proposed the development of common formats and templates to be used under the framework of the Convention and one State highlighted the need for a regional focus, with the possible secondment of an on-site

expert with regional experience. Several good practices in the implementation of article 46 were noted in the thematic report on chapter IV of the Convention (ibid.).

Table 34  
**Technical assistance needs related to article 46**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	13
Capacity-building programmes	13
Legislative drafting and legal advice	11
On-site expert	6
Model treaties and agreement	6
Development of an implementation action plan	3
Other assistance	3
Model legislation	1
Technological assistance	1
<b>Total</b>	<b>57</b>

Figure XXVI  
**Technical assistance needs related to article 46**



## D. Law enforcement cooperation

### Technical assistance needs related to article 48

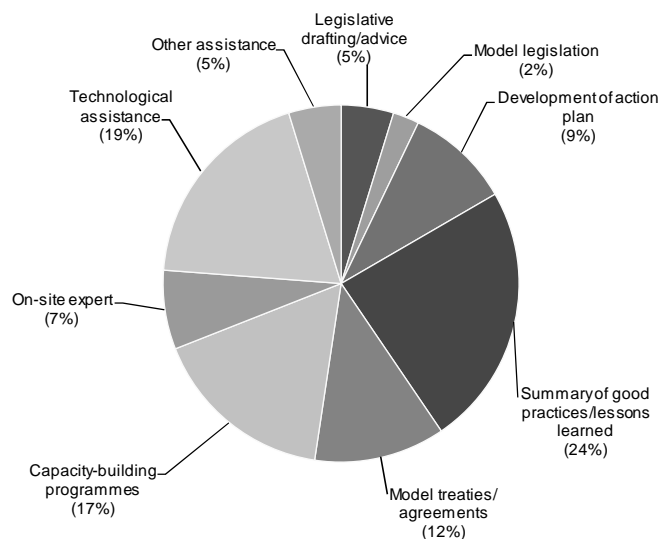
59. A total of 13 States parties identified 42 needs for technical assistance to support the implementation of article 48. Details of the types of assistance requested are given in table 35 and figure XXVII.

60. Challenges in the implementation of article 48 included legal and practical problems relating to information exchange and effective channels of communication. This was correlated with the other types of assistance that were sought in the form of an assessment of the effectiveness of the measures adopted to establish or enhance channels of communications with other States parties (1 State) and financial assistance (1 State). Several good practices in the implementation of this article were noted in the thematic report on chapter IV of the Convention (CAC/COSP/2013/10).

Table 35  
**Technical assistance needs related to article 48**

<i>Type of need</i>	<i>Number of States parties</i>
Summary of good practices/lessons learned	10
Technological assistance	8
Development of an implementation action plan	7
Model treaties and agreement	5
On-site expert	4
Capacity-building programmes	3
Other assistance	2
Legislative drafting and legal advice	2
Model legislation	1
<b>Total</b>	<b>42</b>

Figure XXVII  
**Technical assistance needs related to article 48**



## E. Joint investigations and special investigative techniques

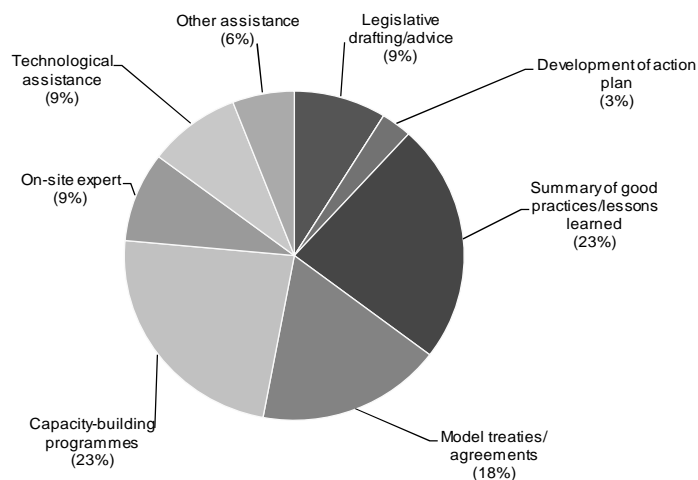
### Technical assistance needs related to articles 49 and 50

61. A total of 12 States parties identified 34 needs for technical assistance to support the implementation of article 49. Details of the number and types of assistance are given in table 36 and figure XXVIII. Under other assistance, requests were for an assessment of the effectiveness of the measures adopted to establish or enhance channels of communications with other States parties and training on the use of forensic equipment.

Table 36  
**Technical assistance needs related to article 49**

<i>Type of need</i>	<i>Number of States parties</i>
Capacity-building programmes	8
Summary of good practices/lessons learned	8
Model treaties and agreement	6
Legislative drafting and legal advice	3
Technological assistance	3
On-site expert	3
Other assistance	2
Development of an implementation action plan	1
<b>Total</b>	<b>34</b>

Figure XXVIII  
**Technical assistance needs related to article 49**



62. A total of 13 States parties identified 37 needs for technical assistance to support the implementation of article 50. Details of the number and types of assistance requested are given in table 37 and figure XXIX.

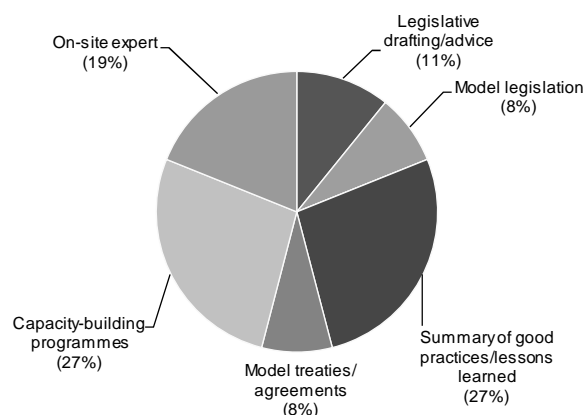
Table 37

**Technical assistance needs related to article 50**

<i>Type of need</i>	<i>Number of States parties</i>
Capacity-building programmes	10
Summary of good practices/lessons learned	10
On-site expert	7
Legislative drafting and legal advice	4
Model legislation	3
Model treaties and agreement	3
<b>Total</b>	<b>37</b>

Figure XXIX

**Technical assistance needs related to article 50**



#### **IV. Trends by types of need identified and technical assistance needs beyond the provisions under review**

##### **Trends in types of technical assistance needs identified and other needs emerging from the country reviews**

63. Technical assistance needs that focused on the establishment or strengthening of legal frameworks were identified by most States, correlating with the challenges in implementation identified in the same areas and with the thematic findings of the country reviews. Several States noted their plans to revise their legal frameworks and requested support accordingly. Good practices and lessons learned were also solicited by many States, which was an aspect of the outcome of the country



reviews that was also emphasized by the Implementation Review Group at its fourth session so as to provide other States with such information under specific provisions in the thematic implementation reports. Reference has been made under the relevant articles in Sections II and III of the present note to tables about the most prevalent good practices identified in the implementation of articles under review.

64. Furthermore, specific knowledge products, including good practices and lessons learned, could be developed and the usefulness of the Tools and Resources for Anti-Corruption Knowledge (TRACK) portal could be further enhanced in this regard.

65. Figures XXX and XXXI below reflect the total number of needs identified for chapters III and IV respectively, by the types of need as contained in the comprehensive self-assessment checklist.

Figure XXX

**Technical assistance requests related to chapter III of the Convention, by type (total 623)**

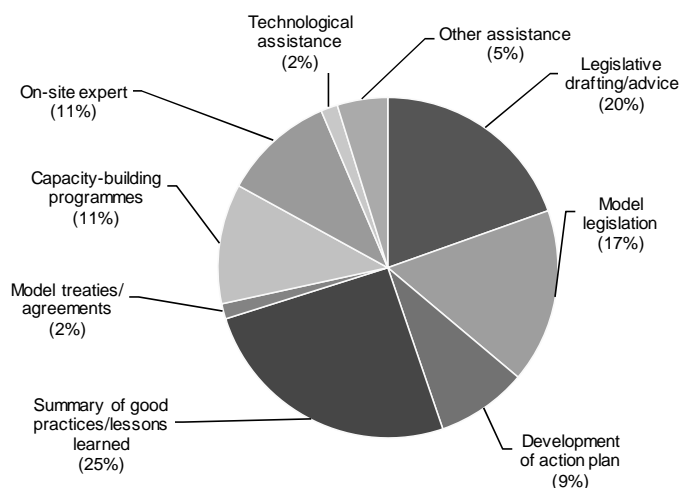
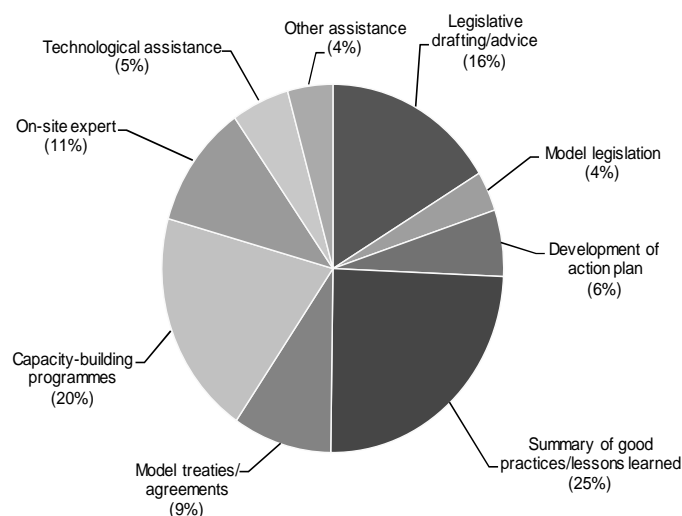


Figure XXXI  
**Technical assistance requests related to chapter IV of the Convention,  
 by type (total 257)**



66. The majority of States identifying technical assistance needs included the need for capacity-building and training in relation to a high number of provisions under review. Emphasis was placed on training for judicial officials, prosecutors, law enforcement officials and financial investigators. Some States noted this in particular because of the relatively recent, and complex, nature of the measures that they had adopted in order to implement the Convention. Modern information technology and special investigative techniques were highlighted in terms of capacity-building needs, and one State mentioned the need for induction training for judicial officials. In this respect, the development of training modules, which could also be made available online through e-learning campuses, could be envisaged. The TRACK portal could play a useful role as a platform for further dissemination of existing tools.

67. Some States also underscored their need for financial and material assistance in implementing the Convention, including information technology equipment. The requirement for financial assistance was specifically mentioned in the context of the implementation of articles 30 and 36 for national capacity-building programmes, and in the context of article 32 for witness protection and relocation programmes. One other general need that was noted for some States was to have translation of relevant documents and materials in national languages in order to disseminate them more widely.

68. Some States identified the need for technical assistance to collect and analyse accurate and comprehensive data, including judicial archives and databases for statistics. This was a need already identified in the context of gathering information for completion of the self-assessment checklist. States parties stated that in order to strengthen their own ability to set benchmarks and measure progress, data management systems would need to be improved and advisory services to that effect were sought. Several States noted their need for case management systems. Needs

were also identified for criminal record and information-sharing databases and for being able to network databases so that they could be used by multiple national authorities. Several States also reported the need to conduct thematic assessments, evaluations and further research and studies with a view to updating and amending legislation.

69. For the implementation of chapter IV, States parties identified specific needs in relation to articles 44 and 46 to carry out assessments and studies on their present situation and to seek the best way to align their national procedures, legislation and training to the provisions and requirements of the Convention. One State wished to carry out an assessment in relation to the implementation of article 49 on the effectiveness of its measures adopted to establish or enhance channels of communication with other States parties. Two States parties indicated the need to support the establishment of databases in relation to article 44, two States mentioned such a need in relation to article 46 and a further six States mentioned such a need in relation to article 48. These requests related to the establishment of a case management system, which would keep data and statistics on international cooperation requests (both incoming and outgoing).

70. Several States parties emphasized the need for increased skills in the area of designing, managing and applying special investigative techniques in relation to international cooperation, including surveillance, information-gathering and interviewing techniques. Six States noted such needs in relation to article 50, one State did so in relation to article 46 and another in relation to article 49.

#### **Information on needs already being addressed and national mechanisms for follow-up**

71. As noted above, the comprehensive self-assessment checklist contains several pre-determined categories of technical assistance needs as well as a catch-all category for other needs. Many of the needs identified during the country reviews have fallen within these broad categories, but broader needs were reflected in the country review reports and executive summaries. In several cases, this has been a way for States under review to engage in follow-up on the outcome of their reviews, using the initial review as a basis for a more comprehensive analysis of their technical assistance needs.

72. In order to trigger the follow-up process, once a country review has been concluded and technical assistance needs have been identified, the secretariat sends a letter indicating readiness to take forward the outcome of the review process through, *inter alia*, assisting the State party under review to develop a prioritized action plan and discussing how to meet the needs identified, including through establishing a dialogue with potential donors. Follow-up is also provided by the United Nations Office on Drugs and Crime (UNODC) field offices, particularly by the field-based advisers of the Corruption and Economic Crime Branch. For instance, technical assistance needs emerging from the reviews have been included in country and regional programming and efforts have been made to encourage including them in wider United Nations and bilateral programming, including through early incorporation in United Nations Development Assistance Framework processes. The availability of seed funds allowing UNODC to offer follow-up advisory services to work with requesting countries on developing prioritized action plans based on the needs identified in the reviews was crucial in this regard.

73. Several States provided information during the country review process on national strategies or action plans they had drafted and adopted to fight corruption. These strategies and plans contained activities relating to the establishment and strengthening of legal and institutional frameworks against corruption. One State noted a general need to enhance its capacity to evaluate the effectiveness of anti-corruption measures. Another State sought to further engage in the identification and analysis of technical assistance needs for the implementation of the Convention after the country review process had been finalized, building on the assistance already provided in the context of its national anti-corruption plan. One State also highlighted the importance of developing a comprehensive strategy to cover the various reform processes, including strategies to combat poverty, promote good governance and fight against corruption, along with an equally comprehensive assistance strategy developed by donors.

74. To illustrate the identification of technical assistance needs in a specific case, one State under review in the Group of African States sought to broaden and deepen the identification of technical assistance needs for the implementation of the Convention in order to formulate an action plan and to integrate the needs in ongoing development assistance frameworks, such as the United Nations Development Assistance Framework process. After having organized a country visit, during which UNODC staff met with donors and other partners, several countries invited the secretariat and the relevant regional adviser back for workshops led by the focal point of the country under review to work further on the needs identified during the review process and to draft an action plan for implementation. A similar approach has been taken in cases where countries have worked with UNODC to develop and implement an integrated national programme, including needs emerging from the review process.

75. When States have identified technical assistance needs for the implementation of certain provisions of the Convention in their responses to the comprehensive self-assessment checklist, those States are then asked to provide information on whether the needs identified are already being met in part or completely and what needs would still need to be addressed to adequately fill the gaps identified. As indicated above, the Conference of the States Parties recommended that States parties should identify technical assistance requirements in their responses to the comprehensive self-assessment checklist and in the country reports, that these should preferably be prioritized, and that States parties, where applicable, should continue to provide UNODC with information on ongoing technical assistance projects related to the implementation of the Convention.

76. Few States under review provided such information in their responses to the self-assessment checklist, although some have started to do so the second and third years. Further information on what types of technical assistance are already being provided was usually received during the direct dialogue, that is, during country visits, either from national authorities or during meetings with technical assistance providers and donors and partners such as the United Nations Development Programme, organized by the focal point of the State under review.

77. One State, for instance, noted an ongoing broad assistance programme for the modernization of its judicial system through a national programme adopted in 2005, which included strengthening judicial integrity and improving the operation of its court system. That programme was carried out in cooperation with a bilateral donor

and included anti-corruption components. Another State reported on a similar project undertaken with the European Union and a bilateral donor, which provided training for judicial officers, legislative reform and legislative databases, and expressed its interest in reviving such activities as the project had run from 2003 to 2007 and had not been extended. One State provided detailed information on ongoing assistance provided through the Council of Europe for its prosecution services and on assistance in developing legislation from a bilateral donor. Another State reported on specific assistance it had received in drafting its money-laundering legislation.

**Areas for further consideration to enhance the identification of technical assistance needs and to strengthen responses**

78. The Conference of the States Parties had requested that the secretariat conduct a mapping of donors and of technical assistance provided. While several States parties provided such information in the context of the reviews, others provided examples of successful technical assistance provided by bilateral donors, multilateral organizations and UNODC during the sessions of the Implementation Review Group. The information received has been insufficient, however, to conduct a comprehensive mapping exercise, although it proved useful in certain country contexts to have the information available when bringing the needs emerging from the reviews to the attention of interested donors. The Conference may wish to provide further guidance to the secretariat on ways to strengthen the gathering of information to allow for a comprehensive mapping exercise, which would ultimately assist in determining comparative advantages and priorities for delivery.

79. At the country level, the executive summaries have been an important source of information, but these may not always contain sufficient detail to inform programming decisions or potential technical assistance responses. With the agreement of the country under review, full reports could be the basis for a more in-depth analysis and prioritization of needs at the country level, which could result in the development of an action plan for implementation. This would ensure that technical assistance was country-led, country-based, integrated and coordinated. The Conference may wish to consider how to foster the availability of information from the country review process with a view to ensuring that identified technical assistance needs are followed up.

80. The need for better analysis and discussion of the relative advantages of comprehensive technical assistance delivery emerged during the sessions of the Review Group, as it appeared that, in some cases, assistance focused only on particular institutions leaving other relevant areas, particularly of the criminal justice system, underresourced and with limited capacity. The Conference may wish to provide further guidance to the secretariat with regard to the desirability of conducting focused discussions on the relative advantages of comprehensive technical assistance delivery during one of the sessions of the Group.

81. Discussions in the Review Group have also highlighted that South-South cooperation could enhance the provision of technical assistance in implementing the Convention. The review process itself has already provided in many cases the framework for South-South peer learning. The Conference may wish to consider how this aspect of technical assistance delivery can be further improved.

82. Several countries under review emphasized the need for technical assistance in the preparation for and the follow-up to the reviews. They welcomed the assistance received and noted that it was crucial that UNODC should be provided with the resources necessary to continue delivering this form of ad hoc assistance to requesting countries. The Conference may wish to provide further guidance on ways to ensure sustainable, multi-year funding for the provision of technical assistance in support of the review process, when requested.

83. The information provided by non-governmental organizations at the briefings held on the margins of sessions of the Review Group, in accordance with resolution 4/6 adopted by the Conference at its fourth session, was considered to be useful. The Conference may wish to provide further guidance on the way the information provided on technical assistance can best be gathered and disseminated to be used by States parties.

84. As an increasing number of country reviews were being finalized, information emerged that could result in a more efficient use of resources by addressing specific needs on a regional basis, as well as by drawing on already existing technical assistance programmes in order to absorb some of the requirements emerging from the Implementation Review Mechanism. Early qualitative analysis already provides indications that, for example, capacity-building needs in the area of financial investigative skills, international cooperation and witness protection are in some regions best addressed on a regional basis. In that context, the deployment of UNODC regional anti-corruption advisers had already started to facilitate the provision of targeted technical assistance in a comprehensive and cost-efficient manner. The Conference may wish to consider ways to encourage enhanced regional responses to technical assistance needs where appropriate.

85. Noting the task of the Review Group to formulate recommendations to the Conference, reference was also made to the United Nations development agenda beyond 2015, which should be taken into consideration by the Group in its deliberations during the fifth session of the Conference in the context of how implementation of the Convention could inform the broader policy decisions of the United Nations.

86. Finally, the Conference may wish to consider priorities in the types of need identified and how those needs are to be met, bearing in mind the global, regional and national approaches.