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**Conference of the States Parties to the United  
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**UNITED NATIONS CONVENTION AGAINST  
CORRUPTION**

**Revised self-assessment checklist for cycle 2 of the Implementation  
Review Mechanism**

**- Draft for discussion -**

*Summary*

The present document provides the draft flow of questions and the proposed thematic structure of the revised self-assessment checklist for reviewing chapters II and V of the United Nations Convention against Corruption, on preventive measures and asset recovery. The document is submitted with a view to soliciting comments to be taken into account when finalizing the revised version of the self-assessment checklist for the second cycle of the Implementation Review Mechanism for the Convention.

Please send your comments to:

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Deadline for comments:

15 December 2013



## Introduction

1. Drawing on the experience gained with the checklist in reviewing chapters III and IV, a new, revised version of the checklist is being proposed, reducing substantially the number of questions, avoiding having three strings of questions and providing guidance on the information sought for each paragraph or article in short guidance boxes. The attachment function at the level of articles and paragraphs will be removed and respondents will instead be encouraged to provide concrete citations and summaries of their relevant legislation or implementation measures.

2. The present document is being made available to States parties for comments particularly with regard to how useful the questions are in terms of soliciting the required information without placing an unnecessary burden on reviewed and reviewing States. Further guidance is sought on the thematic clustering to ensure that this approach would not prejudice the quality and depth of the reviews. The questions included in the present document under chapter III on technical assistance will be appear in the software at the end of each article.

3. In order to provide States parties with an opportunity to comment on the flow of the questions in all languages, the secretariat has prepared document CAC/COSP/2013/3 which sets out the structure of the proposed revised checklist, focusing on one article from each chapter to be reviewed, as well as the general information questions and the questions on technical assistance.

## Structure

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## I. GENERAL INFORMATION

<b>Focal point</b>	Name and position
<b>Institutions consulted</b>	List institutions consulted

### 1. Please provide information on the ratification of the United Nations Convention against Corruption in your country.

**Guidance:** Information sought is the date your country ratified the Convention and the date of deposit of the instrument of ratification with the Secretary-General of the United Nations. This information may be available in the report of the first review cycle, which focused on chapters III and IV of the Convention.

### 2. Please briefly describe the legal and institutional system of your country.

**Guidance:** Information sought relates to the legal system in place in your country (common law, civil law, mixed or other system), the status of judicial decisions, the hierarchy of laws, etc.

Further information relates to the status of the Convention in your country's legal system, whether the Convention is "self-executing" and can be applied directly, or whether it needs implementing legislation.

Further information sought is the type of criminal process in your country (accusatory, inquisitory, mixed) and the structure and main phases of the criminal process.

Finally, the most important institutions responsible for the fight against corruption are of interest (mandate, staffing, structure, challenges, etc.).

### 3. Please provide a list of relevant laws, policies and/or other measures that are cited in the responses to the self-assessment checklist and send them as attachments to a separate e-mail addressed to the secretariat. If available, please also provide as attachments versions in any other official language of the United Nations (Arabic, Chinese, English, French, Russian or Spanish).

### 4. If applicable, please attach also by separate e-mail relevant draft bills, policies and measures that you want to be taken into account in the review.

### 5. Please provide any available assessments of anti-corruption measures taken by your country.

**Guidance:** Information to be included here could be gap analysis reports, reports of other international and regional review mechanisms, and policy studies, both at the national and international level.

**6. Please describe the process that you used to compile the information.**

**Guidance:** Please describe sources of information and institutions involved in completing the checklist, from both the public and private sector/civil society, consultative processes held, e.g., validation workshops, etc.

## II. THEMATIC AREAS

### A. Prevention (arts. 5-13)

#### *Article 5: Preventive anti-corruption policies and practices*

##### **Paragraph (1)**

*1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.*

**1. Please describe (cite and summarize) the applicable measure(s).**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth the national anti-corruption strategy and action plan, if they exist
- Provide for inter-institutional policies and how they were developed, including the extent of participation of civil society, the private sector, professional associations and/or academia
- Show that national policies are implemented in accordance with the rule of law, respect the principles of proper management of public affairs and property and are implemented with integrity, transparency and accountability
- Set forth how the implementation of such policies is effectively coordinated
- Require that such policies are subject to evaluation in terms of their effectiveness

**2. Please provide evidence of implementation.**

**Guidance:** Information sought includes:

- Progress reports concerning the implementation of the national anti-corruption strategy and/or action plan
- Other annual reports or public reports on the state of corruption prevention and detection
- Evaluation reports of the effectiveness of measures taken to prevent and detect corruption
- Studies or measurements of corruption
- Public perception surveys of the extent of corruption in various sectors
- Risk assessments of areas or sectors particularly susceptible to corruption

**Paragraph (2)**

2. *Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth practices aimed at the prevention of corruption, indicating methods adopted to measure their effectiveness. Examples could include integrity monitoring, diagnostic studies and risk assessments of institutions.
- Provide for the development of Monitoring and Evaluation reports as well as audit reports discussing effectiveness, and whether those reports are available to the public.
- Maintain regular assessment of the legal and institutional framework existing to prevent and sanction acts of corruption.
- Provide for baseline reports at the beginning and end of the period of the national anti-corruption strategy.

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Progress reports in the implementation of the national anti-corruption strategy and/or action plan
- Other reports concerning the effectiveness of practices aimed at the prevention of corruption
- Evaluation reports of the effectiveness of practices aimed at the prevention of corruption
- Public perception surveys of the effectiveness of practices aimed at the prevention of corruption
- Internal and external professional publications analysing impact of new legislation or measures taken to prevent corruption

**Paragraph (3)**

3. *Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Provide for evaluation reports of relevant legal instruments and administrative

measures.

- Provide for reports to Parliament and records of public audiences.
- Provide for audit reports.
- Provide for relevant reports of civil society, academia or the private sector.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Progress reports in the implementation of the National Anti-Corruption Strategy
- Other annual reports or public reports relevant to applicable legal instruments and administrative measures
- Public audit reports
- Reports of civil society on the adequacy of the applicable legal instruments and administrative measures to prevent and fight corruption
- Legislative reports on the adequacy of anti-corruption laws and administrative measures

### **Paragraph (4)**

*4. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.*

## 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Allow for regional cooperation and/or programmes with other anti-corruption agencies.
- Demonstrate cooperation within existing regional frameworks on anti-corruption strategies.
- Follow-up on joint recommendations arising out of seminars convening regional anti-corruption institutions.

Information provided in relation to other articles of Chapter II may also be relevant in this response

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- International or regional Memoranda of Understanding and cooperation agreements in anti-corruption

- Published reports on regional events and/or panel discussions organized or attended
- Regional decisions and/or declarations in which the State participated
- Reports on outcomes of regional or international inter-institutional events on anti-corruption strategies

Information provided in relation to other articles of Chapter II may also be relevant in this response.

## **Article 6 – Preventive anti-corruption body or bodies**

### **Paragraph (1)**

*1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as: a) implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies; b) Increasing and disseminating knowledge about the prevention of corruption.*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Establish an entity or entities (e.g. agency, commission, organization, department, national committee or secretariat) to implement the policies referred to in art. 5 and, if applicable, oversee and coordinate the implementation of those policies.
- Set forth the institutional structure and approach to monitor and evaluate the implementation of the national anti-corruption strategy and other anti-corruption policies.
- Establish focal points or units within government ministries and departments responsible for the implementation of anti-corruption policies.
- Establish a structure or structures to deal effectively with grievances and complaints from citizens, such as an anti-corruption commission, ethics office, auditor general's office, ombudsman office, central procurement office, etc.
- Set forth the body or bodies responsible for conducting research and disseminating knowledge about the prevention of corruption. Such research and knowledge could include one or more of the subjects addressed in Chapter II, such as: civil service reform, codes of conduct for public officials, procurement, management of public finances, anti-money laundering measures, public administrative reforms and increasing governmental transparency.

#### **2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Reports prepared by anti-corruption bodies and institutions
- Evaluation reports of the effectiveness and performance of the anti-corruption body or

bodies

- Public perception surveys regarding the effectiveness and performance of the anti-corruption body or bodies
- Public awareness surveys of the extent of public knowledge about the prevention of corruption
- Parliamentary reports regarding the effectiveness and performance of the anti-corruption body or bodies
- Reports of the effectiveness of measures taken in various sectors to prevent corruption

### **Paragraph (2)**

2. *Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth the legal framework of the anti-corruption bodies to ensure compliance with international good practices, such as the Jakarta statement on principles for anti-corruption agencies, International Organisation of Supreme Audit Institutions (INTOSAI) standards, etc.
- Set forth the scope of the mandate of the anti-corruption body or bodies, and the extent to which it includes prevention, education, investigation and/or prosecution.
- Safeguard the independence of the anti-corruption bodies, enable them to carry out their functions effectively and protect them from any undue influence.
- Set forth the procedures for appointment of the head or heads of anti-corruption bodies, as well as the procedures for the recruitment and selection of specialized staff.
- Set forth the procedures for ensuring the allocation of necessary material resources of the anti-corruption bodies, including recent annual budgets and expenditures.
- Describe the mandatory and optional training requirements for staff of the anti-corruption bodies.

#### **2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Reports prepared by the anti-corruption bodies and institutions, including budgetary submissions and expenditure reports
- Analytical assessments of the human and material resource needs of the anti-corruption body or bodies
- Evaluation reports of the effectiveness and performance of the anti-corruption body or bodies

- Public perception surveys regarding the effectiveness and performance of the anti-corruption body or bodies
- Public awareness surveys of the extent of public knowledge about the prevention of corruption
- Parliamentary reports regarding the effectiveness and performance of the anti-corruption body or bodies
- Reports of the effectiveness of measures taken in various sectors to prevent corruption

### **Paragraph (3)**

3. *Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.*

#### **1. Has your country furnished the information as prescribed above? If so, please also provide the appropriate reference**

**Guidance:** The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria ([uncac.cop@unodc.org](mailto:uncac.cop@unodc.org)).

## **Article 7 – Public sector**

### **Paragraph 1(a)**

1. *Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:*

(a) *That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth the legal framework for civil service recruitment and management, including any public examinations that may be administered as part of the process.
- Set forth the procedures for the human resource management for civil servants and, where appropriate, for other non-elected public officials (recruitment, hiring, retention, promotion and retirement).
- Demonstrate methods used to ensure that principles of efficiency, transparency and objectivity of criteria for human resource management are applied.
- Set forth specific recruitment procedures for the hiring of senior managers, if they

are different from other civil servants.

- Provide for a mechanism to file a complaint or appeal against a human resource decision.
- Provide for, to the extent applicable, “integrity testing” at any stage of the human resource management process.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases in which measures regarding the management and recruitment of public officials have been successfully introduced
- Cases in which an individual has successfully used procedures to appeal against a decision made in relation to their employment status or conditions
- Studies, reports or other publications of the effectiveness of “integrity testing” carried out in relation to public administration

### **Paragraph 1(b)**

*(b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;*

## 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Identify public positions considered especially vulnerable to corruption.
- Set forth specific recruitment requirements and procedures for certain categories of civil servants considered especially vulnerable to corruption, including possible early identification of potential conflicts of interest.
- Outline rules and procedures for rotation of these categories of civil servants.
- Set forth training requirements and curricula for individuals in public positions considered especially vulnerable to corruption.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Reports or studies produced regarding the impact of special training for public officials in positions considered to be especially vulnerable to corruption
- Assessment reports of civil servant positions or public sectors considered to be especially vulnerable to corruption

- Case studies demonstrating the effectiveness of the measures taken in relation to such positions or sectors
- Statistics regarding rotation of positions identified to be especially vulnerable to corruption

### **Paragraph 1(c)**

*(c) That promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth the applicable pay scales (basic salary, allowances, performance bonuses, etc.) applicable to public officials and how they are determined.
- Govern the increase or adjustment of the remuneration or part of the remuneration of civil servants.
- Account for or describe the adequacy of such remuneration and pay scales, taking into account the level of economic development of the State Party.
- Set forth the mechanism for administering the remuneration system for public officials.

#### **2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Internal or external studies conducted to assess the adequacy of remuneration for public officials
- Examples where the remuneration system or pay scales were adjusted and implemented successfully

### **Paragraph 1(d)**

*(d) That promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programmes may make reference to codes or standards of conduct in applicable areas.*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Integrate integrity and corruption prevention into the training of civil servants and, where appropriate, other non-elected public officials;
- Set forth any initial and ongoing training requirements and curricula for civil

servants, as well as any reference to applicable codes or standards of conduct, including any training provided outside the country;

- Establish institutions for the education and training of public officials both in relation to integrity and corruption issues and more broadly in relation to their functions and necessary skills as a public official.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Statistics regarding the number of public officials that have undergone integrity and anti-corruption training
- Internal or external studies demonstrating the impact of anti-corruption training in the public sector, for example, with reference to the willingness of public servants to report acts of corruption
- Statistics regarding violations by public officials of applicable codes or standards of conduct

### **Paragraph (2)**

2. *Each State Party shall also consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office.*

## 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Establish minimum requirements – such as age, education, professional background, citizenship and integrity – to present a candidacy for election to hold public office.
- Disqualify a person from presenting a candidacy for election to hold public office, such as a previous criminal conviction or other offence.
- Require candidates for public office to demonstrate the absence of a conflict of interest or disclose certain information about relevant interests as a condition of their candidacy.
- Require candidates for public office to file asset declarations, describing the applicable scope.
- Require candidates to public office to demonstrate compliance with tax obligations, past and present.
- Set forth sanctions or other penalties for presenting false or incomplete information in any required disclosure.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases of disclosures made by candidates for public office demonstrating their eligibility, including cases where a candidacy was rejected for failing to meet one or more of the applicable requirements
- Statistics regarding disciplinary/criminal procedures against public officials or candidates for public office who have been sanctioned for presenting false or inaccurate information in making disclosures required by their candidacies, including any sanctions imposed

### **Paragraph (3)**

3. *Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.*

## 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Establish a legal definition of what constitutes a donation or contribution to a political party.
- Set forth the laws, rules and regulations applicable to the funding of candidatures for elected public office.
- Set forth, where applicable, the laws, rules and regulations relevant to the funding of political parties.
- Specifically seek to enhance transparency in the funding of candidatures for elected public office and political parties, such as the following:
  - Require the avoidance of conflicts of interest in political donations;
  - Ensure public disclosure of donations and donors;
  - Ensure the independence of political parties;
  - Establish a ceiling or limits on donations to candidates or political parties;
  - Establish a ceiling or limits on expenditures by candidates or political parties;
  - Require candidates to maintain a separate account for financing of campaigns, including receipt of donations and allocations of expenditures;
  - Clarify the permissibility and limits for donations by foreign donors or legal entities owned in whole or in part by the State;
  - Establish regular financial reporting obligations of donations and expenditures, including pre- and post-election, for candidates and political parties;
  - Recording requirements for information relevant to donations and

- expenditures, including the identification of individual and corporate donors;
- Describe the mandate and responsibilities of administrators or treasurers for political candidates and political parties;
  - Set for sanctions for the violation of any relevant laws, rules and regulations applicable to political candidates or political parties; and
  - Allow for the independent monitoring of financing of political candidates or political parties.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Disclosure reports by candidates for public office and/or political parties
- Cases of and/or statistics involving violations of the political funding provisions, including any sanctions applied or criminal prosecutions that resulted.

### **Paragraph (4)**

4. *Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.*

## 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Regulate the outside activities of public officials in order to reduce the chance of conflicts arising between their professional duties and private interests.
- Prohibit the holding by public officials of certain types of assets or official positions, such as an individual sitting on the board of a company while also holding a position in public administration.
- Apply criminal, administrative or other sanctions where public officials do not comply with applicable conflicts of interest regulations.
- Provide training or advisory services to public officials regarding relevant conflicts of interest regulations, codes of conduct and asset declaration systems.
- Assign responsibility to specialized staff or bodies in government to prevent and address transparency and conflicts of interest.
- Introduce specialized laws or rules regulating the activities of public officials in high-risk areas of public administration, such as public procurement.

You may wish to refer to information provided in relation to art. 8 paras. (2) and (5).

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases in which conflicts of interest have been discovered and the specific measures taken in relation to the relevant public officials
- Statistics regarding the number of cases taken forward regarding alleged breaches of conflicts of interest regulations

You may wish to refer to information provided in relation to art. 8 paras. (2) and (5).

## **Article 8 – Codes of conduct for public officials**

### **Paragraph 1**

*1. In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system.*

### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe the measures that:

- Define integrity, honesty and responsibility in public administration.
- Seek to promote – in law, policy, guidelines or other means – integrity, honesty and responsibility among public officials.
- Set forth any oaths or promises made by public servants upon induction that address the values above.
- Describe any positive incentives offered to public officials for the promotion of integrity, honesty and responsibility, such as annual integrity awards.
- Assign responsibility to specialized staff or bodies in public administration to promote integrity, honesty and responsibility among public officials.
- Provide training to public officials regarding the promotion of integrity, honesty and responsibility in public service, including whether this training is mandatory or optional.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Internal or external studies of the effectiveness of measures taken to promote integrity, honesty and responsibility among public officials
- Statistics regarding the number of public officials who have been trained, if applicable, and any assessments of the effectiveness of such trainings

**Paragraphs 2 and 3**

2. *In particular, each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.*

3. *For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe the measures that:

- Define correct, honourable and proper performance of public functions.
- Set forth – in law, policy, guidelines, etc. – codes or standards of conduct for the performance of public functions. Please explain whether there is/are:
  - One code or set of standards of conduct for all public officials;
  - Different codes or standards of conduct for ministries, departments or other public sector offices;
  - Codes or standards of conduct that govern designated levels of officials, such as managers/leaders or particular professions; or
  - A combination of the above.
- Describe the scope of the codes or standards of conduct, and to which types of public officials or public sector employees they apply.
- Describe whether and how regularly such codes or standards are reviewed and updated.
- Incorporate relevant initiatives of regional, interregional and multilateral organizations into codes or standards of conduct for public officials. Examples may include:
  - International Code of Conduct for Public Officials (annex to General Assembly resolution 51/59);
  - Standards of Conduct for the International Civil Service (General Assembly resolution 56/244);
  - Charter for the Public Service in Africa (annex to the letter dated 11 April 2001 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General; A/56/63–E/2001/21); and
  - Ibero-American Charter for the Public Service (annex to the letter dated 28 July 2003 from the Permanent Mission of Bolivia to the United Nations addressed to the Secretary-General; A/58/193).
- Provide induction and/or ongoing training to public officials on the applicable codes or standards of conduct, including curricula, methodology and frequency.
- Assign responsibility to specialized staff or bodies to ensure that the codes or

standards of conduct are applied.

- Provide advisory services to public officials regarding the interpretation and application of relevant codes or standards of conduct.
- Seek to raise awareness of codes or standards of conduct for public officials.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- a. Statistics regarding the number of training programmes held and number of public officials trained on codes or standards of conduct
- b. Internal or external studies that have evaluated the effectiveness of applicable codes or standards of conduct
- c. Statistics or cases involving breaches of the codes or standards of conduct for public officials, including any sanctions or other measures applied

### **Paragraph 4**

4. *Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.*

## 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Provide for internal and/or external channels to facilitate the reporting by public officials of acts of corruption.
- Describe the operational mechanism for such reporting channels, including reporting obligations, information to be provided and whether reports may be made anonymously.
- Provide incentives and/or protections for public officials to report acts of corruption, including physical protection as well as protection from workplace retaliation.

You may wish to refer to information provided in relation to articles 32 and 33 in previous self-assessment reports.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Statistics on the number and substance of reports of acts of corruption made by public officials
- Statistics on the number of resultant investigations and their outcomes

- Cases illustrating the effectiveness of the measures taken
- Statistics on the number of reporting persons receiving some form of protection, including the type of protection administered

You may wish to refer to information provided in relation to articles 32 and 33 in previous self-assessment reports.

### **Paragraph 5**

5. *Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Establish an asset declaration system applicable to persons working in the public sector in order to identify potential, apparent or actual conflicts of interest. Where such an asset declaration system is in place, please also provide information on the following:
  - Types of public officials required to make declarations;
  - Information that must be provided;
  - How declarations are made;
  - Any mechanism in place to provide for verification of the disclosure; and
  - Whether and to what extent the disclosures are made public.
- Require public officials to make declarations regarding their outside activities and employment, including the scope and nature of such declarations.
- Require public officials to make declarations regarding the receipt of any substantial gifts or benefits in the scope of their employment, including any minimum thresholds or additional required actions.

You may wish to refer to information previously provided in relation to art. 7 para. 4.

#### **2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases in which asset declarations have led to the identification of a potential or actual conflict of interest and the measures that were taken as a result
- Statistics regarding the level of compliance with asset declaration requirements applicable to public officials, including the percentage of declarations that result in some form of investigation
- Examples or statistics regarding the overall impact of the asset declaration system

on the existence of conflicts of interest amongst public officials

- Examples or statistics regarding the disclosure of outside activities and/or employment that resulted in the public official being required to stop engaging in the activity or employment
- Examples or statistics regarding the disclosure of substantial gifts or benefits that had to be returned as a result of the disclosure

You may wish to refer to information previously provided in relation to art. 7 para. 4.

### **Paragraph 6**

6. *Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe the measures that:

- Set forth the disciplinary or other measures that may be taken against public officials who violate the codes or standards of conduct.
- Outline the process, including steps that need to be taken, before a public official can be sanctioned, including the availability of any appeals process.
- Describe how disciplinary or other measures taken against public official for such violations are recorded.
- Assign responsibility to specialized staff or departments to investigate suspected violations and ensure that the disciplinary or other measures are enforced.
- Provide advisory services to public officials regarding the sanctions that could be imposed for breaching the codes or standards of conduct.

#### **2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases in which public officials have been sanctioned for violating the codes or standards of conduct, as well as the specific measures taken
- Statistics regarding the number of public officials who have been sanctioned, the type of violations that have occurred and which sanctions were imposed
- Internal or external reports regarding the effectiveness of investigation and disciplinary procedures

## **Article 9 – Public procurement and management of public finances**

### **Paragraph 1**

1. *Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, which may take into account appropriate threshold values in their application shall address, inter alia:*

(a) *The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenders sufficient time to prepare and submit their tenders;*

(b) *The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;*

(c) *The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;*

(d) *An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;*

(e) *Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth the system of public procurement, including how the system is based on transparency, competition and objective criteria in decision-making. In providing this information, please include the following:
  - Criteria for establishing a sufficient time for potential tenders to prepare and submit their tenders;
  - The means by which procurement decisions are announced and published;
  - Criteria used for determining conditions for participation in an invitation to tender, including selection and award criteria as well as tendering rules, and any weight given to a particular criterion (such as the price);
  - Permissible grounds for the rejections of tenders;
  - Rules that allow for the use of procurement methods other than open tender procedures;
  - Procedures that allow for changes in the tendering rules and or selection/award criteria during the procuring procedure.

In providing this information, please indicate whether and to what extent the system of public procurement adheres to the standards and text of the UNCITRAL Model Law on Procurement of Goods, Construction and Services (2011).

- Indicate whether and to what extent there is a threshold value that must be reached

for the procurement system to apply.

- Indicate whether the State is a party to, and in conformance with, any binding international text/code on public procurement, in particular the World Trade Organization Government Procurement Agreement or the EU Directives on Public Procurement.
- Ensure that information relating to procurement procedures and contracts are publicly distributed and available.
- Set forth the procedures and content required regarding the public distribution of invitations to tender, including:
  - Means by which such invitations are published;
  - Inclusion of all relevant and pertinent information on the award of contracts;
  - Manner of application (including the use of electronic procurement platforms); and
  - Criteria to be used for selection and award.
- Set forth the procedures, rules and regulations for review of the procurement process, including the system of appeal and any available legal recourse or remedies.
- Outline the selection of personnel responsible for procurement, including declarations of interest and potential conflicts in particular cases (manner and required disclosures), screening procedures and training requirements (at induction and ongoing) and curricula.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Statistics regarding the extent to which the system of public procurement is used, including cases that illustrate procurement decisions taken on the basis of transparent, competitive and objective criteria
- Internal or external assessment reports regarding the effectiveness of the system of public procurement and the extent to which it is based on transparency, competition and objective criteria in decision-making
- Statistics regarding the number of public procurement processes conducted, the subject matter of the procurement processes, the number and diversity of tenders and the resulting outcomes and award decisions
- Examples of invitations to tender, and descriptions of the media through which those invitations were published
- Examples of invitations to tender, setting forth the information above
- Standard bidding documents used to submit a tender
- Guidelines on the conduct of tender procedures
- Cases involving a successful appeal or challenge to a procurement process
- Statistics on the number of procurement officers trained, including applicable curricula, guidance manuals and other material

**Paragraph 2(a)**

2. *Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measure shall encompass, inter alia:*

(a) *Procedures for the adoption of the national budget:*

**1. Please describe (cite and summarize) the applicable measure(s)**

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**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth the applicable laws, regulations and procedures for the preparation and adoption of national budgets, including those that specify the type of information required as part of the submission to the legislature.
  - Describe the extent to which budget proceedings are made public, including the role of the media in this regard.
  - Describe the extent to which there is opportunity for public input and debate concerning the proposed national budget before its adoption.
- 

**2. Please provide evidence of implementation**

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**Guidance:** Information sought includes:

- Reports regarding the most recent national budget submission and adoption process
  - Internal or external reports regarding the extent to which the process through which the national budget is adopted reflects the promotion of transparency and accountability
- 

**Paragraph 2(b)**

(b) *Timely reporting on revenue and expenditure;*

**1. Please describe (cite and summarize) the applicable measure(s)**

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**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Outline requirements for reporting on revenue and expenditure, including the following information, if available:
    - Timeline and frequency for government report of revenue and expenditure;
    - Institution or agency responsible for preparing revenue and expenditure reports; and
    - Legislative or other institutions to which the reports are distributed, including the extent to which the reports are available to the public.
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**2. Please provide evidence of implementation**

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**Guidance:** Information sought includes:

- Recent revenue and expenditure reports
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- 
- Means of reporting (i.e. newspapers, websites, etc.)
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### **Paragraph 2(c)**

(c) *A system of accounting and auditing standards and related oversight;*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

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**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth the laws, regulations and rules governing accounting and auditing standards for the national budget and the administration of public finances.
  - Outline training and accreditation requirements for government accountants and auditors;
  - Describe oversight, supervision and evaluation of the performance of government accountants and auditors.
- 

#### **2. Please provide evidence of implementation**

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**Guidance:** Information sought includes:

- Recent accounting and/or audit reports concerning government revenues, expenditures and management of the national budget
- 

### **Paragraph 2(d)**

(d) *Effective and efficient systems of risk management and internal control; and*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

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**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Outline the systems of risk management and internal control currently in place and on what level they operate (office, department, ministry, government-wide, etc.).
  - Set forth the means by which systems of risk management and internal control are designed, implemented and reviewed, including the department or agency responsible.
  - Outline the roles and responsibilities of public officials authorized to certify payment orders, financial reports, etc., and the extent of liability for unintentional errors or financial wrongdoing by subordinates.
  - Describe how the offices responsible for risk management and internal control maintain, organize and store records.
  - Facilitate the reporting, both from inside and outside the office, of suspected wrongdoing, including any protection, rewards or immunities for reporting persons or cooperating witnesses.
-

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Internal or external reports regarding the effectiveness and efficiency of the risk management system and internal controls
- Statistics on number of reports made of suspected financial mismanagement or misconduct, including the number of follow-up investigations and their outcomes

**Paragraph 2(e)**

*(e) Where appropriate, corrective action is the case of failure to comply with the requirements established in this paragraph.*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Provide for corrective action in the management of public finances, including:
  - Type of corrective action permitted;
  - Time allowed for corrective action to be taken following an auditor’s report; and
  - Mechanism to ensure oversight and implementation of corrective action.
- Set forth how recommendations for corrective action are tracked and followed up, including potential consequences for failing to take corrective action when required.

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases where corrective actions was required and taken in the management of public finances
- Statistics on number of follow-up instances and corrective actions taken, following accounting, auditing or other financial management reports, including the time taken between the issuance of the reports and the initiation of corrective action
- Statistics regarding any sanctions imposed against individuals and agencies for failing to adopt corrective action within the prescribed time

**Paragraph 9(3)**

*3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial*

statements or other documents related to public expenditure and revenue to prevent the falsification of such documents.

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth the mechanism for recording, storing and preserving the integrity of accounting books, records, financial statements and other related documents, including any national archiving or other recordkeeping institution.
- Outline the general schedule of records retention and disposition, including any controls or security standards for government records.
- Set forth government policies and procedures regarding the storage and preservation of electronic records, including security measures.
- Seek to prevent the falsification of official government accounting books, records, financial statements or other documents.
- Outline the potential consequences, penalties or offences for falsifying official government accounting books, records, financial statements or other documents.

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Statistics regarding the amount of information or number of documents currently in storage, added within the last year or disposed of per a scheduled cycle
- Cases regarding the discovery or prevention of an act of falsification of official government accounting books, records, financial statements or other documents, including whether investigations resulted and their outcomes

**Article 10 – Public reporting**

*Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:*

*(a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Outline the procedures or regulations allowing members of the general public to

obtain information on the organization, functioning and decision-making processes of its public administration.

- Provide for information to be made available pro-actively and automatically published by the government, including details as to:
  - The types of bodies required to publish information
  - The scope of the information that is published
  - The means by which the information is published
  - How often the information is updated.
- Provide for information to be made available upon a request by a member of the public (i.e. freedom of information or access to information legislation).
- Set out standards that are applied to protect privacy and personal data in the disclosure of such information.
- Provide for awareness-raising amongst the public regarding what information is available and how it can be accessed.

You may wish to refer to information provided in relation to art. 13 subpara. (1)(b).

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Websites, libraries, archives or other means by which information on the organization, functioning and decision-making of government is made available to the general public
- Statistics regarding the usage of these sources by the public
- Cases in which requests received under freedom of information or access to information laws have led to the release of information on the organization, functioning and decision-making processes of government that would not otherwise have been made publicly available
- Cases demonstrating how the protection of public privacy and personal data has been maintained in the context of the disclosure of such information

You may wish to refer to information provided in relation to art. 13 subpara. (1)(b).

### **Paragraph 10(b)**

*(b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Outline applicable administrative procedures to facilitate public access to competent decision-making authorities. Please include the following information, if applicable:
  - Standards, rules or regulations governing responsiveness to requests for public access to decision-making authorities;
  - Reform efforts undertaken to simplify administrative procedures or expedite the processing of requests made to government bodies by members of the public.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Internal or external reports regarding the effectiveness and efficiency of administrative procedures in the facilitation of public access to competent decision-making authorities
- Reports regarding the outcome and/or implementation of any reform measures taken to simplify such administrative procedures

### **Paragraph 10(c)**

(c) *Publishing information, which may include periodic reports on the risks of corruption in its public administration.*

#### 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set out policies and procedures providing for the publication of periodic reports on the risks of corruption in public administration. Please include the following information, if applicable:

The frequency of the publication of such reports; The scope of such reports; and The mechanism through which such reports are prepared, including the institutions, offices and/or agencies responsible and the other stakeholders that are consulted.

#### 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Government reports regarding the risk of corruption in public administration
- Examples of efforts made by the government to publicize the existence, results and findings of such reports.

## **Article 11 – Measures relating to the judiciary and prosecution services**

### **Paragraph 1**

*1. Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth the constitutional and legal framework applicable to ensure the independence and integrity of the judiciary.
- Introduce codes of conduct and disciplinary mechanisms applicable to members of the judiciary.

In describing such measures, please also note whether they were developed with reference to international standards such as the Basic Principles on the Independence of the Judiciary and the Bangalore Principles on Judicial Conduct.

- Increase transparency and accountability in the selection, recruitment, training, performance management and removal of members of the judiciary.
- Set forth induction and ongoing training requirements and curricula for members of the judiciary, particularly in terms of codes of conduct, integrity and independence.
- Improve the transparency and efficiency of procedures governing case assignment and distribution.
- Increase transparency in the court process, for example by allowing public and media access to court proceedings, facilitating access to court judgments and raising public awareness through information sharing and outreach programmes.

#### **2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases in which the violation of a judicial code of conduct has led to the application of disciplinary measures
- Cases in which members of the judiciary have been subject to criminal proceedings as a result of alleged acts of corruption
- Statistics regarding the number of reports received of corruption in the judiciary, including mechanisms in place to facilitate such reporting, number of investigations that resulted and their outcomes
- Statistics regarding the effectiveness of case management and assignments systems, including trend analysis concerning increased efficiency in case management and disposition, particularly in the context of any reforms that have been taken in this area
- Statistics and case studies demonstrating the impact of educational and training programmes for members of the judiciary as regards their adherence to judicial codes or standards of conduct

**Paragraph 2**

2. *Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth the constitutional and legal framework applicable to ensure the independence and integrity of the prosecution service.
- Introduce codes of conduct and disciplinary mechanisms applicable to members of the prosecution service.

In describing such measures, please also note whether they were developed with reference to international standards such as the Guidelines on the Role of Prosecutors and the Standards of Professional Responsibilities and Statement of the Essential Duties and Rights of Prosecutors.

- Increase transparency and accountability in the selection, recruitment, training, performance management and removal of members of the prosecution service.
- Set forth induction and ongoing training requirements and curricula for members of the prosecution service, particularly in terms of codes of conduct, integrity and independence.
- Improve the transparency and efficiency of procedures governing case assignment and distribution in relation to the prosecution service.

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases in which the breach of a prosecutorial code of conduct has led to the application of disciplinary measures
- Cases in which members of the prosecution service have been subject to criminal proceedings as a result of alleged acts of corruption
- Statistics regarding the number of reports received of corruption in the prosecution service, including mechanisms in place to facilitate such reporting, number of investigations that resulted and their outcomes
- Statistics and case studies demonstrating the impact of educational and training programmes for members of the prosecution as regards their adherence to prosecutor codes or standards of conduct

## Article 12 – Private sector

### Paragraph 1

1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting, and auditing standards in the private sector, and where appropriate, provide effective, proportionate and dissuasive civil, administrative, or criminal penalties for failure to comply with such measures.

#### 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Promote the development of standards and procedures designed to prevent corruption in the private sector, such as anti-corruption policies, procedures and guidance, internal controls, codes of conduct and corporate governance manuals.
- Set forth accounting and auditing standards for the private sector which promote transparency, compliance, integrity in business transactions and the detection of misconduct.
- Outline the applicable civil, administrative and/or criminal penalties that may be imposed by the government against private sector entities for failure to comply with such measures. Such penalties may include the following:
  - Financial penalties;
  - Debarment;
  - Suspension;
  - Loss of privileges or preferred status;
  - Suspension or revocation of professional accreditation for attorneys or accountants; and
  - Criminal prosecution.

#### 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Internal or external reports regarding the adoption and implementation in the private sector of guidelines, procedures or policies to prevent corruption promulgated by the government
- Statistics regarding the number of complaints received of corruption in the private sector, including types of corruption reported, number of follow-up investigations and their outcomes
- Statistics and cases regarding the application of civil, administrative and/or criminal penalties against private sector entities or their managers or officers

**Paragraph 2**

2. *Measures to achieve these ends may include, inter alia:*

- (a) *Promoting cooperation between law enforcement agencies and relevant private entities;*
- (b) *Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;*
- (c) *Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;*
- (d) *Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licenses granted by public authorities for commercial activities;*
- (e) *Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure;*
- (f) *Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Promote and encourage cooperation between law enforcement agencies and relevant private entities, including the following:
  - Mechanisms for internal reporting of corruption and whistle-blower protection;
  - Legal or other incentives that encourage private entities to report instances of corruption to law enforcement agencies; and
  - Mechanisms and procedures used by law enforcement to strengthen cooperation with the private sector, including outreach, points of contact and confidential reporting lines.
- Promote the development of standards and procedures designed to safeguard the integrity of private sector entities, including through the distribution of models, guidance and/or training on the following:
  - Codes of conduct for private entities in the performance of business activities, including for relevant professions (legal, medical, construction, etc.) and in the prevention of conflicts of interest; and
  - Standards representing good business practices, both among businesses and in any contractual relations they may have with the State.
- Promote transparency among private entities, such as through public corporate registration requirements, including the identities of legal and natural person involved in the establishment and management of corporate entities.

- Provide public oversight of the use by private entities of subsidies and licenses granted by public authorities for commercial activities, including appropriate sanctions and penalties for their misuse.
- Seek to prevent conflicts of interest between former public officials and private entities, such as through the following:
  - Restrictions, for a reasonable period of time, on the professional activities of former public officials; and
  - Restrictions, for a reasonable period of time, on the employment of former public officials by the private sector after resignation or retirement.
- Require private enterprises to establish internal auditing controls sufficient, based on their structure and size, to assist in preventing and detecting acts of corruption. Such measures may include the following:
  - Mandatory periodic disclosure to government audit or oversight bodies of financial statements of private enterprises;
  - Random and/or regular government audit and certification procedures for financial records of private enterprises; and
  - Promulgation of standards for the establishment internal auditing controls in private enterprises, including recordkeeping, financial management reporting and compliance with applicable laws and regulations.

You may wish to refer to information provided in relation to art. 39 in previous self-assessment reports.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases and/or statistics regarding the cooperation between law enforcement agencies and relevant private entities, including cases referred by private entities to law enforcement of suspected acts of corruption
- Statistics regarding the number of private entities adopting standards and procedures to safeguard integrity, including codes of conduct and the prevention of conflicts of interest
- Statistics regarding the number of private entities registering with the State that disclose the identity of legal and natural persons involved in the establishment and management of the business
- Cases and/or statistics regarding sanctions or penalties imposed by the government on private entities for the misuse of subsidies or licenses granted by the State
- Cases regarding the prohibition of former public officials from participating in professional activities or private sector employment based on a potential conflict of interest.
- Statistics regarding the number of private entities adopting internal auditing controls in compliance with standards set by the State

You may wish to refer to information provided in relation to art. 39 in previous self-assessment reports.

### **Paragraph 3**

3. *In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:*

- (a) *The establishment of off-the-books accounts;*
- (b) *The making of off-the-books or inadequately identified transactions;*
- (c) *The recording of non-existent expenditure;*
- (d) *The entry of liabilities with incorrect identification of their objects;*
- (e) *The use of false documents; and*
- (f) *The intentional destruction of bookkeeping documents earlier than foreseen by the law.*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth rules, regulations and procedures for private entities regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards. In describing these measures, please make reference to those that aim to prohibit the following acts:
  - The establishment of off-the-books accounts;
  - The making of off-the-books or inadequately identified transactions;
  - The recording of non-existent expenditure;
  - The entry of liabilities with incorrect identification of their objects;
  - The use of false documents; and
  - The intentional destruction of bookkeeping documents earlier than foreseen by the law.
- Outline possible sanctions, penalties or offences the government may impose on private entities for failure to comply with such rules, regulations and procedures.

You may wish to refer to information provided in relation to other parts of this article and art. 9.

#### **2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Statistics on levels of compliance by private entities with rules, regulations and

procedures established by the State

- Examples of measures implemented by private entities to prohibit the acts listed above
- Cases and/or statistics regarding the imposition of sanctions, penalties or offences the government has imposed on private entities for failure to comply with relevant rules, regulations and procedures, including any remedial action that was taken

You may wish to refer to information provided in relation to other parts of this article and art. 9.

#### **Paragraph 4**

4. *Each State Party shall disallow the tax deductibility of expenses that constitute bribes, the latter being one of the constituent elements of the offences established in accordance with articles 15 and 16 of this Convention and, where appropriate, other expenses incurred in furtherance of corrupt conduct.*

##### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Disallow the tax deductibility of expenses that constitute bribes, within the criminal legislation of the State and consistent with articles 15 and 16 of this Convention.
- Disallow the tax deductibility of any other expenses incurred in furtherance of corrupt conduct as it is defined in this Convention.

##### **2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Statistics and/or cases where tax deductibility was denied by the tax authorities based on the expenses constituting a bribe or otherwise in furtherance of corrupt conduct

### ***Article 13 – Participation of society***

#### **Paragraph 1(a)**

1. *Each State Party shall take appropriate measures, within its means and in accordance with the fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:*

(a) *Enhancing the transparency of and promoting the contribution of the public to decision-making processes;*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Build citizen and stakeholder involvement in decision-making processes, such as through large-scale consultations, online platforms, task forces, citizen referenda and community meetings.
- Promote an institutional culture of open-door policies and regular communication between government and civil society.
- Allow members of the public to decide or contribute to decisions on how to allocate parts of the public budget in specific institutions.
- Ensure that individuals and groups outside the public sector are consulted during legislative drafting processes.

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Strategic plans that include elements of public participation plans
- Relevant press releases, online information and other publications inviting individuals and groups outside the public sector to participate in government decision-making processes
- Minutes of meetings, copies of agreements reached through public participation and similar publications

**Paragraph 1(b)**

*(b) Ensuring that the public has effective access to information;*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Set forth legislation, regulations, policies and procedures regarding public access to information, including details regarding:
  - Means by which requests may be submitted (in writing, by internet, by telephone);
  - The types of bodies required to publish information;
  - The scope of the information that is published Any information that must be submitted by the requester as part of the request for information;
  - Costs charged to submit a request; and
  - Applicable time limits within which the government must respond to the request.
- Set forth any grounds on which a request for information from the public may be denied.

- Provide for the right to apply for a review or an appeal of a decision denying access to information.
- Provide for specialized staff who are responsible for administering the access to information requests.
- Outline steps which have been taken to ensure that all public officials are aware of obligations to provide information to the public upon request.
- Ensure that the existing laws, regulations, policies and procedures regarding access to information are widely known and accessible to the public.

You may wish to refer to information provided in relation to art. 10.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Statistics regarding the number of requests received, the number of responses provided and the average time for providing a response
- Statistics and/or cases regarding any requests for information that were denied, including the grounds for denial
- Statistics and/or cases regarding the review or appeal of a decision denying access to information and the decisions taken in this regard

You may wish to refer to information provided in relation to art. 10.

### **Paragraph 1(c)**

*(c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;*

#### 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Provide for educational courses or modules that have been introduced in universities that include aspects related to the existence, causes or gravity of and the threat posed by corruption.

Such courses or modules may specifically address the issue of corruption or focus on related issues such as, among others, public administration, public procurement, ethics, criminal law, international cooperation and corporate governance.

- Provide for educational courses or modules that have been introduced in primary and secondary schools that include aspects related to the existence, causes or gravity of and the threat posed by corruption.

Such courses or modules may address corruption directly or may cover broader issues such as, among others, ethics, civic rights and duties, fiscal education and government. These

may include courses or modules that are integrated into regular school curricula as well as extra-curricular activities.

- Provide for other public education activities including specific initiatives targeting groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations.
- Set forth various means and/or technologies have been used for the purposes of public anti-corruption education.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Training manuals, curricula, syllabi, course packets, websites and other educational materials
- Statistics on number of students or members of the general public participating in anti-corruption education programmes or public information campaigns
- Posters, flyers, handouts, brochures, publications and other awareness-raising materials
- Internal or external evaluation reports or other means of measuring the impact of the public education or awareness-raising programmes

### **Paragraph 1(d)**

*(d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:*

- (i) For respect of the rights or reputations of others;*
- (ii) For the protection of national security or ordre public or of public health or morals.*

## 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Outline the procedures or regulations that ensure the freedom of the public to seek and receive information concerning corruption. Please include the following information, if applicable:
  - The extent to which such information is pro-actively and systematically published by the government ;
  - The extent to which such information is available upon a request for access to information by a member of the public;
- Outline the legislation or procedures that ensure the freedom to publish and disseminate information concerning corruption.
- Set out any restriction to the exercise of the freedom to seek, receive, publish and

disseminate this information, including:

- For the respect of the rights or reputation of others (libel and defamation laws, etc.)
- For the protection of national security or ordre public or of public health or morals.
- Set out how any such restrictions are applied in practice.
- Provide a right for a member of the public to apply for a review or appeal of the application of such a restriction by the government.

You may wish to refer to information provided in relation to articles 10 and 13 subpara. (1)(b).

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Research or studies on the exercise of the freedom to seek, receive, publish and disseminate information on corruption.
- Websites, libraries, archives or other locations where information on the work of government is proactively and systematically made available to the public
- Statistics regarding number of public requests received for information concerning corruption, including responses provided
- Statistics/examples of information about corruption that is published or disseminated by government
- Statistics and cases regarding any applications of restrictions to the freedom to seek, receive, publish and disseminate information concerning corruption.
- Cases of review or appeal of the application of a restriction and their outcome.

You may wish to refer to information provided in relation to articles 10 and 13 subpara. (1)(b).

### **Paragraph 2**

2. *Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.*

#### 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** In summarizing the implementation of this provision, you may wish to cite and describe measures that:

- Provide for internal and/or external channels to facilitate the reporting by the public of acts of corruption.

- Describe the operational mechanism and applicable procedures for such reporting channels, including reporting obligations, information to be provided and whether reports may be made anonymously.
- Provide incentives and/or protections for members of the public to report acts of corruption, including physical protection as well as protection from workplace or other retaliation.

You may wish to refer to information provided in relation to art. 8 para. 4, as well as articles 32 and 33 in previous self-assessment reports.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Statistics on the number and substance of reports of acts of corruption made by members of the public
- Statistics on the number of resultant investigations and their outcomes
- Cases illustrating the effectiveness of the measures taken
- Statistics on the number of reporting persons receiving some form of protection, including the type of protection administered

You may wish to refer to information provided in relation to art. 8 para. 4 of the as well as articles 32 and 33 in previous self-assessment reports.

## B. Money-laundering (arts. 14, 52 and 58)

### *Article 14: Measures to prevent money-laundering*

#### **Subparagraph 1(a)**

1. *Each State Party shall:*

(a) *Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;*

#### **1. Please describe (cite and summarize) the applicable policies, practices and measures.**

**Guidance:** Information sought includes:

- Information on anti-money-laundering regulatory and supervisory regimes
- List of the relevant institutions subject to the regimes
- List of relevant regulatory and supervisory authorities
- List of major relevant anti-money-laundering requirements

You may wish to include information on guidance notes (including for monitoring and

detecting money-laundering), advisories, training, compliance reviews and sanctions for non-compliance, as well as whether you have conducted a money-laundering risk assessment.

[\[Link to StAR study: The Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do About It\]](#)

**2. Please provide evidence of implementation.**

**Guidance:** Information sought includes:

- Training conducted (including for monitoring transactions and detecting suspicious ones)
- Compliance reviews (scope and frequency)
- Sanctions issued for non-compliance (statistics for the past 3 years)

If available, please provide statistical information for the past three years, including the number of suspicious transaction reports, the related underlying offences and the outcome of analysis of suspicious transaction reports, as well as information on whether those reports were referred to competent authorities for investigation/prosecution or not.

**Subparagraph 1 (b) of article 14**

*1. Each State Party shall:*

*(b) Without prejudice to article 46 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.*

**1. Please describe(cite and summarize) the applicable measures**

**Guidance:** Information sought includes:

- Information on how your country ensures it has the ability to cooperate in acc. with art.14.
- Whether your country has established a Financial Intelligence Unit and if so, information on its organization, structure, tasks, responsibilities and accomplishments.
- Whether the FIU has the ability to exchange information internationally.
- What other bodies or agencies are responsible for combating money laundering.

Please describe the functioning of the system mainly in terms of domestic cooperation and exchange of information.

**2. Please provide evidence of implementation, in particular please outline any available means or procedures for information sharing**

**Guidance:** Information sought includes:

- Information on domestic coordination mechanisms, legislation, including information on exchange protocols, participation in AML regional or international networks.

You may wish to refer to any relevant information previously provided on articles 38 and 48. If applicable and available, please provide information on recent corruption related money laundering cases prompted by your Financial Intelligence Unit, including data on investigations, prosecutions and convictions.

**Paragraph 2 of article 14**

*2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.*

**1. Please describe( cite and summarize) the applicable measures**

**Guidance:** Information sought includes:

- Whether your country has a cross border declaration requirement, and if so, whether it covers: (i) incoming and outgoing cross border transportation; and (ii) all physical cross-border transportation (by travellers, through mail, through cargo)
- Whether there is a reporting threshold or any other measures to detect and monitor the movements of cash and negotiable instruments.
- What are the sanctions and other measures available in case of false declaration or failure to declare.

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Statistics and other information on declared cross-border cash transfer and on detected undeclared cross-border cash transfer.

**Paragraph 3 of article 14**

*3. States Parties shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters:*

*(a) To include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator;*

*(b) To maintain such information throughout the payment chain; and*

(c) *To apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator.*

**1. Please describe (cite and summarize) the applicable measures**

**Guidance:** Information sought includes:

- Details required to identify the originator (e.g. name, address, ID number, account number) and any existing requirements to maintain those details by the intermediary institution.
- Details of requirements in case of incoming transfers without sufficient/complete information on the originator.

**2. Please provide evidence of implementation**

**Guidance:** Information sought include:

- Compliance guidance issued by regulatory/supervisory authorities including on how to enhance scrutiny measures when complete originator information is not included.
- Measures for supervisors to ensure compliance with those requirements
- If available, statistics reflecting the level of compliance with those requirements.

**Paragraph 4 of article 14**

*4. In establishing a domestic regulatory regime and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.*

**1. Please provide information on how your country implements the provision**

**Guidance:** Information sought includes :

- Details on whether your country has used the relevant initiatives described above as a guideline and if yes, information on how they are used.

You may wish to take into account, inter alia, the International Standards on Combating Money-Laundering and the Financing of Terrorism and Proliferation – FATF Recommendations, and provide information on whether your country has undergone evaluations of the FATF or FATF-Style Regional Bodies.

**Paragraph 5 of article 14**

*5. States Parties shall endeavour to develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.*

## 1. Please provide information on how your country implements the provision

**Guidance:** Information sought includes :

- Details on how your country develops and promotes the cooperation described in the paragraph.

Please provide any additional information here that you have not provided under your response on art. 14 subpara 1 b.

## **Article 52 Prevention and detection of transfers of proceeds of crime**

### **Paragraph 1 of article 52**

*1. Without prejudice to article 14 of this Convention, each State Party shall take such measures as may be necessary, in accordance with its domestic law, to require financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates. Such enhanced scrutiny shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.*

### **1. Please describe (cite and summarize) the applicable measures**

**Guidance:** Please refer to your response on art. 14 (1) (a)

Information sought includes :

- Any specific identification requirement of beneficial owners of high value or similar;
- Requirements on enhanced scrutiny of accounts maintained by or on behalf of the Politically Exposed Persons;
- Any criteria applied to Politically Exposed Persons, including whether this is applicable for domestic and foreign PEPs and whether there is a database for their identification.
- With regard to the Politically Exposed Persons, please describe
  - a) The criteria for the identification,
  - b) Measures to identify them,
  - c) Measures of scrutiny to be applied to the Politically Exposed Persons.

[Link to StAR study: Politically Exposed Persons: Preventive Measures for the Banking Sector ]

## 2. Please provide evidence of implementation

**Guidance:** Specific information sought includes:

- Types of financial institutions subject to customer due diligence requirements (e.g., banks, money service businesses, money transfer service providers, bureaux de change, brokerages, mutual funds, mortgage providers, casinos, etc.)

### **Subparagraph 2 (a) of article 52**

2. *In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:*

(a) *Issue advisories regarding the types of natural or legal person to whose accounts financial institutions within its jurisdiction will be expected to apply enhanced scrutiny, the types of accounts and transactions to which to pay particular attention and appropriate account-opening, maintenance and record-keeping measures to take concerning such accounts;*

#### **1. Please describe (cite and summarize) the applicable measures and provide evidence of implementation**

**Guidance:** Information sought includes:

- Whether your country requires financial institutions to identify and manage money-laundering risks relating to customers and transactions (risk based approach).
- Whether your country issues advisories on how to apply a risk based approach.

### **Subparagraph 2 (b) of article 52**

2. *In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:*

(b) *Where appropriate, notify financial institutions within its jurisdiction, at the request of another State Party or on its own initiative, of the identity of particular natural or legal persons to whose accounts such institutions will be expected to apply enhanced scrutiny, in addition to those whom the financial institutions may otherwise identify.*

#### **1. Please describe (cite and summarize) the applicable measures and provide evidence of implementation**

**Guidance:** Information sought includes:

- Whether your country has a system to notify financial institutions of the identity of high risk persons and if yes:
- Whether this includes names received from another State Party, and
- The applied criteria and the requirements of financial institutions in that case.

**Paragraph 3 of article 52**

3. *In the context of paragraph 2 (a) of this article, each State Party shall implement measures to ensure that its financial institutions maintain adequate records, over an appropriate period of time, of accounts and transactions involving the persons mentioned in paragraph 1 of this article, which should, as a minimum, contain information relating to the identity of the customer as well as, as far as possible, of the beneficial owner.*

**1. Please describe( cite and summarize) the applicable measures and provide evidence of implementation**

**Guidance:** Information sought includes:

- The record keeping requirements in your country and their legal basis, i.e. specific provisions in anti-money laundering legislation, or general provisions, e.g. corporate law.
- Record keeping requirements applicable to (i) customer related documents and (ii) transaction related documents subject .
- Any required format for record keeping (hard copy, digital...)

**Paragraph 4 of article 52**

4. *With the aim of preventing and detecting transfers of proceeds of offences established in accordance with this Convention, each State Party shall implement appropriate and effective measures to prevent, with the help of its regulatory and oversight bodies, the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group. Moreover, States Parties may consider requiring their financial institutions to refuse to enter into or continue a correspondent banking relationship with such institutions and to guard against establishing relations with foreign financial institutions that permit their accounts to be used by banks that have no physical presence and that are not affiliated with a regulated financial group.*

**1. Please describe (cite and summarize) the applicable measures and provide evidence of implementation**

**Guidance:** Information sought includes:

- Regulatory arrangements for preventing the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group (Shell banks).
- Regulatory arrangements for financial institutions to prevent them from entering into business with such banks as well as with foreign financial institutions that permit their accounts to be used by such banks.

**Paragraph 5 of article 52**

5. *Each State Party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance. Each State Party shall also consider taking such measures as may be necessary to permit its competent authorities to share that information with the competent authorities in other States Parties when necessary to investigate, claim and recover proceeds of offences established in accordance with this Convention.*

**1. Please describe (cite and summarize) the applicable measures**

**Guidance:** You may wish to information provided in relation to articles 8 para. 5, 7 para. 4 and 9 subpara. (1) (e).

Information sought includes:

- Categories of public officials subject to such measures
- Whether financial disclosures by public officials are publicly available and if so, how they can be obtained.
- If not, the reasons why financial disclosures are not made publicly available and which governmental authorities may nevertheless access such information.
- Sanctions applicable for non-compliance as well as delayed, incomplete and/or false disclosure.

[Link to StAR study: “Public office, private interests: Accountability through Income and Asset Disclosure” (forthcoming)]

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Statistical information on compliance and information on instances where cases have been initiated based on the information contained in asset declarations or where sanctions have been imposed for non-compliance as well as delayed, incomplete and/or false disclosure.

**Paragraph 6 of article 52**

*6. Each State Party shall consider taking such measures as may be necessary, in accordance with its domestic law, to require appropriate public officials having an interest in or signature or other authority over a financial account in a foreign country to report that relationship to appropriate authorities and to maintain appropriate records related to such accounts. Such measures shall also provide for appropriate sanctions for non-compliance.*

**1. Please describe (cite and summarize) the applicable measures**

**Guidance:** You may wish to information provided in relation to articles 8 para. 5, 7 para. 4 and 9 subpara. (1) (e).

Information sought includes:

- Categories of public officials subject to such measures.
- Whether declarations of such interests/relationships by public officials are publicly available and if so, how they can be obtained
- If not, reasons why they are not made publicly available and which governmental authorities may nevertheless access such information.
- Sanctions applicable for non-compliance as well as delayed, incomplete and/or false declarations?

**2. Please provide evidence of implementation****Guidance:** Information sought includes:

- Statistical information on compliance and information on instances where sanctions have been imposed for non-compliance as well as delayed, incomplete and/or false disclosure.
- Cases in which the investigation of such accounts led to charges or convictions for offences established in accordance with this Convention.

**Article 58. Financial intelligence unit**

*States Parties shall cooperate with one another for the purpose of preventing and combating the transfer of proceeds of offences established in accordance with this Convention and of promoting ways and means of recovering such proceeds and, to that end, shall consider establishing a financial intelligence unit to be responsible for receiving, analysing and disseminating to the competent authorities reports of suspicious financial transactions.*

**1. Please describe (cite and summarize) the applicable measures****Guidance:** Information sought includes:

- Information on the applicable institutional arrangement(s) and measure(s).
- The mandate and role of the FIU in cooperating with foreign counterparts and authorities;
- Participation in international and regional bodies and networks (e.g. Egmont), as well as any other measures taken for promoting cooperation for the purpose of asset recovery.

You may wish to refer to information provided in relation to art. 14 para. 1.

**2. Please provide evidence of implementation****Guidance:** Information sought includes:

- If applicable and available, please provide the website address of your financial intelligence unit.
- If applicable, please provide relevant reports or other documents published by your financial intelligence unit (or corresponding web links).

You may wish to refer to information provided in relation to art. 14 para. 1.

**C. Asset recovery (arts. 53-57 and 59)****Article 53: Measures for direct recovery of property****Subparagraph (a)**

*Each State Party shall, in accordance with its domestic law:*

(a) *Take such measures as may be necessary to permit another State Party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with this Convention;*

**1. Please describe (cite and summarize) the applicable measure(s).**

**Guidance:** Information sought includes:

- Legislation providing legal standing of other States parties and permitting them to initiate civil action in the courts of your country to establish title to or ownership of property acquired through the commission of an offence established in accordance with the Convention.

**General resources on chapter V**

[[Link to StAR Asset Recovery Handbook: A Guide for Practitioners](#)]

[[Link to StAR study: Barriers to Asset Recovery: An Analysis of the Key Barriers and Recommendations for Action](#)]

[[Link to StAR study: Towards a Global Architecture for Asset Recovery](#)]

[[Link to OECD and StAR study: Tracking Anti-Corruption and Asset Recovery Commitments: A Progress Report and Recommendations for Action](#)]

[Link to Digest of Asset Recovery Cases (forthcoming)]

[Link to Settlements Study (forthcoming)]

**Specific resources on article 53**

[[Link to OECD and StAR study: Identification and Quantification of the Proceeds of Bribery: A Joint OECD-StAR Analysis](#)]

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases and statistical or other evidence which clearly demonstrate that there are no obstacles to another State launching such civil litigation. Cases where this has happened would be especially helpful. If available, please include statistics for the past three years.

**Subparagraph (b) of article 53**

*Each State Party shall, in accordance with its domestic law:*

(b) *Take such measures as may be necessary to permit its courts to order those who have committed offences established in accordance with this Convention to pay compensation or damages to another State Party that has been harmed by such offences;*

**1. Please describe (cite and summarize) the applicable measure(s)****Guidance:** Information sought includes:

- Reference to legislation allowing other States parties to stand before their courts and claim damages or otherwise receive compensation for the damages incurred.

**2. Please provide evidence of implementation****Guidance:** Information sought includes:

- Cases, statistical or other information on other State Parties showing that there are no obstacles to another State to stand before their courts and claim damages or otherwise receive compensation for the damages incurred. Cases where this has happened would be especially helpful. If available, please include statistics for the past three years.

**Subparagraph (c) of article 53***Each State Party shall, in accordance with its domestic law:*

*(c) Take such measures as may be necessary to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State Party's claim as a legitimate owner of property acquired through the commission of an offence established in accordance with this Convention.*

**1. Please describe (cite and summarize) the applicable measure(s)****Guidance:** Information sought includes:

- Relevant information provided on art. 31 para. 9 in previous self-assessment reports, as well as legislation providing for third party rights of foreign States parties in confiscation procedures.

**2. Please provide evidence of implementation****Guidance:** Information sought includes:

- Cases, statistical or other information on other State Parties pursuing claims for ownership in confiscation proceedings. Cases where this has happened would be especially helpful. If available, please include statistics for the past three years.

## **Article 54. Mechanisms for recovery of property through international cooperation in confiscation**

### **Subparagraph 1 (a) of article 54**

1. *Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:*

(a) *Take such measures as may be necessary to permit its competent authorities to give effect to an order of confiscation issued by a court of another State Party;*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** Information sought includes:

- The procedures of giving the exequatur of foreign confiscation's judgment.
- Whether this is covered by national legislation or by bilateral/multilateral treaties.
- Whether this is covered by a specific legislation or by general provisions related to the enforcement of foreign judgments.

You may wish to refer to information provided in relation to art. 31 in previous self-assessment reports.

#### **2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases, statistical or other information on the enforcement of foreign orders of confiscation. Cases where this has happened would be especially helpful. If available, please include statistics for the past three years.

### **Subparagraph 1 (b) of article 54**

1. *Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:*

(b) *Take such measures as may be necessary to permit its competent authorities, where they have jurisdiction, to order the confiscation of such property of foreign origin by adjudication of an offence of money-laundering or such other offence as may be within its jurisdiction or by other procedures authorized under its domestic law;*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** Information sought includes:

- Whether you have the possibility of using the money-laundering offence rather than the conviction for predicate offence, as a basis for confiscation.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases, statistical or other information on confiscation based on foreign corruption related money laundering offences. Cases where this has happened would be especially helpful. If available, please include statistics for the past three years.

### **Subparagraph 1 (c) of article 54**

1. *Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:*

(c) *Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.*

## 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** Information sought includes:

- The legislative basis in your country for any form of non-conviction based forfeiture

[\[Link to StAR study Stolen Asset Recovery: A Good Practice Guide for Non-conviction-based Asset Forfeiture\]](#)

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases, statistical or other information on non-conviction based forfeiture. Cases where this has happened would be especially helpful. If available, please include statistics for the past three years.

### **Subparagraph 2 (a) of article 54**

2. *Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:*

(a) *Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article;*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** Information sought includes:

- The procedures available for recognizing foreign freezing or seizure orders and in particular the required evidentiary threshold.

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases, statistical or other information. Cases would be especially helpful. If available, please include statistics for the past three years.

**Subparagraph 2 (b) of article 54**

2. *Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:*

*(b) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a request that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article; and*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** Information sought includes:

- The evidentiary threshold required for issuing freezing or seizure orders based on a request by another State party.

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases, statistical or other information. Cases would be especially helpful. If available, please include statistics for the past three years.

**Subparagraph 2 (c) of article 54**

2. *Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:*

*(c) Consider taking additional measures to permit its competent authorities to preserve property for confiscation, such as on the basis of a foreign arrest or criminal charge related to the acquisition of such property.*

**1. Please describe (cite and summarize) the applicable measure(s)****Guidance:** Information sought includes:

- Legislation permitting the competent authorities to issue preservation orders without prior request in relation to property acquired through crimes committed abroad.

**2. Please provide evidence of implementation****Guidance:** Information sought includes:

- Cases, statistical or other information. Cases would be especially helpful. If available, please include statistics for the past three years.

**Article 55. International cooperation for purposes of confiscation****Subparagraph 1 (a) of article 55**

*1. A State Party that has received a request from another State Party having jurisdiction over an offence established in accordance with this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:*

*(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or*

**1. Please describe (cite and summarize) the applicable measure(s)****Guidance:** Information sought includes:

- The procedures available for submitting a foreign confiscation request to competent authorities and applying, on the basis of the information provided in the request, for a domestic order of confiscation.

You may wish to refer to any relevant information provided in relation to art. 46 in previous self-assessment reports.

**2. Please provide evidence of implementation****Guidance:** Information sought includes:

- Cases, statistical or other information on the received requests that have resulted in an order for confiscation and, if such an order has been granted, on the orders which have been given effect. Cases would be especially helpful. If available, please include statistics for the past three years.

**Subparagraph 1 (b) of article 55**

1. A State Party that has received a request from another State Party having jurisdiction over an offence established in accordance with this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

(b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with articles 31, paragraph 1, and 54, paragraph 1 (a), of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, situated in the territory of the requested State Party.

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** Information sought includes:

- The procedures available for submitting a foreign confiscation request to competent authorities and applying, on the basis of the information provided in the request, for a domestic order of confiscation.

You may wish to refer to any relevant information previously provided in relation to art. 54 subpara. (1)(a).

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases, statistical or other information on requests submitted to your competent authorities in response to a mutual legal assistance request for giving effect to a foreign confiscation order. Cases would be especially helpful. If available, please include statistics for the past three years.

**Paragraph 2 of article 55**

2. Following a request made by another State Party having jurisdiction over an offence established in accordance with this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** Information sought includes:

- The procedures available for submitting a foreign confiscation request to competent authorities and applying, on the basis of the information provided in the request, for a domestic order of confiscation.

You may wish to refer to any relevant information provided in relation to art. 31 in previous self-assessment reports.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases, statistical or other information on requests received and action taken for the identification, tracing and freezing or seizing proceeds of crime and/or instrumentalities. Cases would be especially helpful. If available, please include statistics for the past three years.

### **Subparagraph 3 of article 55**

3. *The provisions of article 46 of this Convention are applicable, mutatis mutandis, to this article. In addition to the information specified in article 46, paragraph 15, requests made pursuant to this article shall contain:*

(a) *In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated, including, to the extent possible, the location and, where relevant, the estimated value of the property and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;*

(b) *In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested, a statement specifying the measures taken by the requesting State Party to provide adequate notification to bona fide third parties and to ensure due process and a statement that the confiscation order is final;*

(c) *In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested and, where available, a legally admissible copy of an order on which the request is based.*

## 1. Please describe (cite and summarize) your domestic requirements.

**Guidance:** Information sought includes:

- The procedures available for submitting a foreign confiscation request to competent authorities and applying, on the basis of the information provided in the request, for a domestic order of confiscation.

You may wish to refer to any relevant information provided in relation to art. 46 in previous self-assessment reports.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases, statistical or other information on requests received and action taken for the identification, tracing and freezing or seizing proceeds of crime and/or instrumentalities. Cases would be especially helpful. If available, please include statistics for the past three years.

**Paragraph 5 of article 55**

5. *Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.*

**1. Has your country furnished copies of its laws to the Secretary-General of the United Nations as prescribed above? If so, please also provide the appropriate reference.**

**Guidance:** The Secretary-General would be grateful if Governments would send the aforementioned information to the Chief, Treaty Section, Office of Legal Affairs, Room M-13002, United Nations, 380 Madison Ave, New York, NY 10017 and copy the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria ([uncac.cop@unodc.org](mailto:uncac.cop@unodc.org)).

**Paragraph 6 of article 55**

6. *If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.*

**1. Please describe (cite and summarize) your domestic requirements.**

**Guidance:** Information sought includes:

- Whether your country makes cooperation for purposes of confiscation conditional on the existence of a treaty
- Whether your country can rely on the Convention as legal basis for cooperation

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases, statistical or other information where your country used the Convention as the legal basis for cooperation. Cases would be especially helpful. If available, please include statistics for the past three years.

**Paragraph 7 of article 55**

7. *Cooperation under this article may also be refused or provisional measures lifted if the requested State Party does not receive sufficient and timely evidence or if the property is of a de minimis value.*

**1. Please describe (cite and summarize) your domestic requirements.**

**Guidance:** Information sought includes:

- Whether your country's legal system recognizes any ground for refusal.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases, statistical or other information where your country refused cooperation or lifted provisional measures due to insufficient or untimely evidence or because the property was of de minimis value. Cases would be especially helpful. If available, please include statistics for the past three years.

### **Paragraph 8 of article 55**

8. *Before lifting any provisional measure taken pursuant to this article, the requested State Party shall, wherever possible, give the requesting State Party an opportunity to present its reasons in favour of continuing the measure.*

#### 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** Information sought includes:

- Whether you have any formal mechanisms in place which provide this opportunity to the requesting State Party.

You may wish to refer to information previously provided on Article 46 paragraph 26.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases, statistical or other information on recent cases in which a requesting State Party has been given the opportunity to present its reasons in favour of continuing a provisional measure before it was lifted. Cases would be especially helpful. If available, please include statistics for the past three years.

You may wish to refer to any relevant information provided in relation to art. 46 para. 26 in previous self-assessment reports.

### **Paragraph 9 of article 55**

9. *The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.*

#### 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** Information sought includes:

- Legislation providing for protection of bona fide third parties in the context of international cooperation for purposes of confiscation.

You may wish to refer to any relevant information provided in relation to art. 31 para.9 in

previous self-assessment reports.

Information sought should include elements beyond what has already been inserted under art. 53 subpara. (c).

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases, statistical or other information on recent cases involving the protection of bona fide third parties in the context of international cooperation for purposes of confiscation. Cases would be especially helpful. If available, please include statistics for the past three years.

You may wish to refer to any relevant information provided in relation to art. 31 para.9 in previous self-assessment reports.

**Article 56. Special cooperation**

*Without prejudice to its domestic law, each State Party shall endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with this Convention to another State Party without prior request, when it considers that the disclosure of such information might assist the receiving State Party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State Party under this chapter of the Convention.*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** Information sought includes:

- Legislation providing for spontaneous transmission of information to another State party on proceeds of Convention offences.

You may wish to refer to any relevant information provided in relation to art. 46 para.4 in previous self-assessment reports.

**2. Please provide evidence of implementation and related cases**

**Guidance:** Information sought includes:

- Cases, statistical or other information on recent cases involving such spontaneous transmission of information. Cases would be especially helpful. If available, please include statistics for the past three years.

You may wish to refer to any relevant information provided in relation to art. 46 para.4 in previous self-assessment reports.

## **Article 57. Return and disposal of assets**

### **Paragraph 1 of article 57**

1. *Property confiscated by a State Party pursuant to article 31 or 55 of this Convention shall be disposed of, including by return to its prior legitimate owners, pursuant to paragraph 3 of this article, by that State Party in accordance with the provisions of this Convention and its domestic law.*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** Information sought includes:

- Legislation that regulates the disposal of confiscated assets including their return to their prior legitimate owner.

#### **2. Please provide evidence of implementation,**

**Guidance:** Information sought includes:

- Cases and total monetary value of property(ies) confiscated and returned to its prior legitimate owners, by your country. If available, please include statistics for the past three years.

### **Paragraph 2 of article 57**

2. *Each State Party shall adopt such legislative and other measures, in accordance with the fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property, when acting on the request made by another State Party, in accordance with this Convention, taking into account the rights of bona fide third parties.*

#### **1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** Information sought includes:

- The legal basis enabling competent authorities to return confiscated assets to other State Parties;
- The legal basis enabling competent authorities to take into account the rights of bona fide third parties in doing so.

You may wish to refer to information provided in relation to of articles 31 para. 9, 53 subpara. (c) and 55 para. 9.

#### **2. Please provide evidence of implementation.**

**Guidance:** Information sought includes:

- Cases and total monetary value of property(ies) confiscated which have been returned when acting on the request of another State Party. If available, please include statistics for the past three years.

**Subparagraph 3 (a) of article 57**

3. *In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:*

*(a) In the case of embezzlement of public funds or of laundering of embezzled public funds as referred to in articles 17 and 23 of this Convention, when confiscation was executed in accordance with article 55 and on the basis of a final judgment in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party;*

**1. Please describe (cite and summarize) the applicable policy(ies) or measure(s)**

**Guidance:** Information sought includes:

- The legislative basis enabling competent authorities to return confiscated proceeds of embezzlement to requesting State Parties;
- The legislative basis enabling the waiving of the requirement of a final judgement in the requesting State Party.

[\[Link to StAR study: Management of Returned Assets: Policy Considerations\]](#)

**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases of confiscated proceeds of embezzlement which have been returned to a requesting State Party. Such information may include type of assets and total monetary value as well as any statistical data available. If available, please include statistics for the past three years.

**Subparagraph 3 (b) of article 57**

3. *In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:*

*(b) In the case of proceeds of any other offence covered by this Convention, when the confiscation was executed in accordance with article 55 of this Convention and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party, when the requesting State Party reasonably establishes its prior ownership of such confiscated property to the requested State Party or when the requested State Party recognizes damage to the requesting State Party as a basis for returning the confiscated property;*

**1. Please describe (cite and summarize) the applicable measure(s)**

**Guidance:** Information sought includes:

- The legislative basis enabling competent authorities to return confiscated proceeds of any other offences under the Convention (except embezzlement) to requesting State Parties.
- The legislative basis enabling the waiving of the requirement of a final judgement in the requesting State Party.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases of confiscated proceeds of any other offences under the Convention which have been returned to a requesting State Party. Such information may include type of assets and total monetary value as well as any statistical data available. If available, please include statistics for the past three years.

### **Subparagraph 3 (c) of article 57**

3. *In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:*

*(c) In all other cases, give priority consideration to returning confiscated property to the requesting State Party, returning such property to its prior legitimate owners or compensating the victims of the crime.*

#### 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** Information sought includes:

- The legislative basis enabling competent authorities to return to requesting State Parties confiscated proceeds of any other offences under the Convention including in cases where the requesting party cannot establish prior ownership or damages.
- The legislative basis for returning such confiscated proceeds to its prior legitimate owners.
- The legislative basis enabling compensation for the victims of the crime.

## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases of confiscated proceeds of any other offences under the Convention which have been returned to a requesting State Party, the prior legitimate owners or have been used to compensate the victims of the crime. Such information may include type of assets and total monetary value as well as any statistical data available. If available, please include statistics for the past three years.

### **Paragraph 4 of article 57**

4. *Where appropriate, unless States Parties decide otherwise, the requested State Party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property pursuant to this article.*

#### 1. Please describe (cite and summarize) the applicable measure(s)

**Guidance:** Information sought includes:

- The legislative basis providing for States parties to deduct reasonable expenses incurred in

investigations, prosecutions or judicial proceedings prior to return or disposition of confiscated property.

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**2. Please provide evidence of implementation**

**Guidance:** Information sought includes:

- Cases in which expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property have been deducted. If available, please include statistics for the past three years.
- 

**Paragraph 5 of article 57**

*5. Where appropriate, States Parties may also give special consideration to concluding agreements or arrangements, on a case-by-case basis, for the final disposal of confiscated property.*

**1. Please describe (cite and summarize) the applicable measures**

**Guidance:** Information sought includes:

- Concluded agreement(s), arrangement(s) or other measure(s) for the final disposal of confiscated property.
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**2. Please provide evidence of implementation.**

**Guidance:** Information sought includes:

- Cases, statistical or other information on recent cases in which such agreements or arrangements were applied. Cases would be especially helpful. If available, please include statistics for the past three years.
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***Article 59. Bilateral and multilateral agreements and arrangements***

*States Parties shall consider concluding bilateral or multilateral agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this chapter of the Convention.*

**1. Please cite applicable bilateral or multilateral agreements or arrangements concluded by your country**

**Guidance:** You may wish to refer to information provided in relation to articles 46 para. 30 and 48 para 2 in previous self-assessment reports.

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## 2. Please provide evidence of implementation

**Guidance:** Information sought includes:

- Cases, statistical or other information on recent cases in which such bilateral or multilateral agreements or arrangements were applied. Cases would be especially helpful. If available, please include statistics for the past three years.

You may wish to refer to information provided in relation to articles 46 para. 30 and 48 para 2 in previous self-assessment reports.

## III. Technical assistance

At the end of each article in the thematic areas, the following set of questions on technical assistance will be included:

### 1. Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

**Guidance:** Required actions could include the passing of a law and a time frame to do this. Related challenges could include inter-agency coordination, specificities in the legal system, competing priorities, limited capacity (e.g., technological, institution, other), limited resources for implementation (e.g., human, financial, other), lack of a policy framework, and limited expertise and skills. Please be specific, if possible, in describing the issues.

### 2. Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

#### **Legislative assistance: Please describe the type of assistance**

**Guidance:** The forms of legislative assistance should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of legislative assistance might include, e.g., model arrangements and agreements, legal drafting and/or advisory support.

#### **Institution-building: Please describe the type of assistance**

**Guidance:** The forms of institution-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of institution-building might include, e.g., summary of good practices and lessons learned, model arrangements and agreements, on-site assistance by a relevant expert and/or mentoring, as well as the development of an action plan for implementation.

**Policymaking: Please describe the type of assistance**

**Guidance:** The forms of policymaking should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of policymaking might include, e.g., summary of good practices and lessons learned, sensitization of decision-making bodies, on-site assistance by a relevant expert and/or mentoring.

**Capacity-building: Please describe the type of assistance**

**Guidance:** The forms of capacity-building should relate to the responses provided under this article, as well as any challenges identified for the implementation of this article. Specific forms of assistance in the area of capacity-building might include, e.g., on-site assistance by a relevant expert and/or mentoring, strengthening the operational and/or institutional capacities of relevant authorities through training and online learning, development of an action plan for implementation.

**Others: Please specify**

**Is any technical assistance already being provided?**

**Guidance:** If you are receiving or have received such assistance, please provide details, including on the assistance provider, description of core objectives, duration, budget, results and impact. Please include information on technical assistance being provided in the most generic way so as to also capture projects that do not directly fit into the anti-corruption category but that address aspects relevant for the implementation of the Convention against Corruption. Please also indicate whether the extension and/or expansion of such assistance would help your country to adopt the measure(s) described in the article under review.