



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

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Review of the implementation of the United Nations Convention against Corruption

Summary of the state of implementation of the United Nations Convention against Corruption: criminalization, law enforcement and international cooperation

Note by the Secretariat

1. The establishment and operation of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption have allowed for the collection, systematization and dissemination of an unprecedented wealth of information that is useful for furthering the goals of the Convention. The study entitled *State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation* is based on that information and contains a comprehensive analysis of the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) by the 68 States parties reviewed at the time of drafting as part of the first cycle of the Implementation Review Mechanism (2010-2015). More specifically, the study: (a) identifies and describes trends and patterns in the implementation of the above-mentioned chapters, focusing on systematic or, where possible, regional commonalities and variations; (b) highlights successes and good practices on the one hand, and challenges in implementation on the other; and (c) provides an overview of the understanding of the Convention and differences in the reviews, where they have emerged.

2. The study identifies legislative and institutional changes that have characterized the anti-corruption frameworks of most States parties in recent years and have led to a notable furthering of the purposes of the Convention. Combating corruption appears to rank among the highest priorities of many national Governments. In some countries, statutory amendments and structural changes have produced legislative and institutional reforms and enforcement, as well as strong

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frameworks for extradition, mutual legal assistance and law enforcement cooperation. The Convention has already played a significant role in triggering change and continues to serve as a basis for the establishment of effective anti-corruption regimes.

3. Nonetheless, substantial challenges remain. These range from the most rudimentary problems and practical impediments that are caused by a lack of experience, resources and training, to technical issues in the formulation of criminalization provisions or the incorporation of particular elements of the Convention into complex procedural structures. Gaps are more obvious in the implementation of chapter III of the Convention, in relation both to criminalization and law enforcement, given that in those areas, the Convention requires States parties to implement a particularly wide range of measures. Implementation of chapter IV appears to be more advanced, at least from a theoretical point of view, maybe as a result of its more compact and focused nature, and the self-executing character of many of its provisions. The biggest challenges regarding this chapter appear to be operational.

4. Numerous recommendations concerning the introduction of new provisions and laws were made during the reviews. Those included recommendations on considering the consolidation of existing legislation and the adoption of stand-alone legislative frameworks with anti-corruption measures. In many cases, recommendations were made on resource allocation and the capacities of anti-corruption bodies and institutions, enhancing law enforcement cooperation and inter-agency coordination, establishing suitable statistical data-collection systems or case law typologies, simplifying international cooperation procedures and promoting a culture of open dialogue between jurisdictions.