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Review of the implementation of the United Nations Convention against Corruption

Analysis of good practices, experiences and relevant measures taken by States parties after completion of the country reviews during the first cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

Note by the Secretariat

I. Introduction

1. During the fifth session of the Conference of the States Parties to the United Nations Convention against Corruption, the Secretariat presented a note entitled “Translating commitment into results: impact of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption” ([CAC/COSP/2013/14](#)). In its decision 5/1, the Conference decided that the Implementation Review Group should begin promptly to collect, with the support of the Secretariat, and discuss relevant information in order to facilitate the assessment of performance of the Mechanism. The Conference also decided that the Group should include in its future sessions an agenda item allowing for discussion of such information.

2. [CAC/COSP/2013/14](#) was well received; however, it primarily reflected the experiences of Secretariat staff who had participated in country reviews or had provided technical assistance to States parties in preparation for, during or subsequent to the country review process. Thus, encouraged by the discussions during the subsequent sessions of the Implementation Review Group and in line with decision 5/1, the Secretariat addressed three notes verbales (on 25 February 2015, 17 April 2016 and 31 March 2017) to States parties that had completed their reviews, inviting them to submit information on any action that they had taken in follow-up to gaps or needs identified during their review. The information received was included in two separate notes by the Secretariat: the first, entitled “Assessment of the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption” ([CAC/COSP/2015/6](#)), was made available to the Conference at its sixth session, held in Saint Petersburg, Russian Federation, from 2 to 6 November 2015; and the second, entitled “Good practices and experiences of, and relevant measures

* [CAC/COSP/2017/1](#).



taken by, States parties after the completion of the country reviews, including information related to technical assistance” (CAC/COSP/IRG/2016/12), was presented at the resumed seventh session of the Implementation Review Group, held in Vienna from 14 to 16 November 2016.

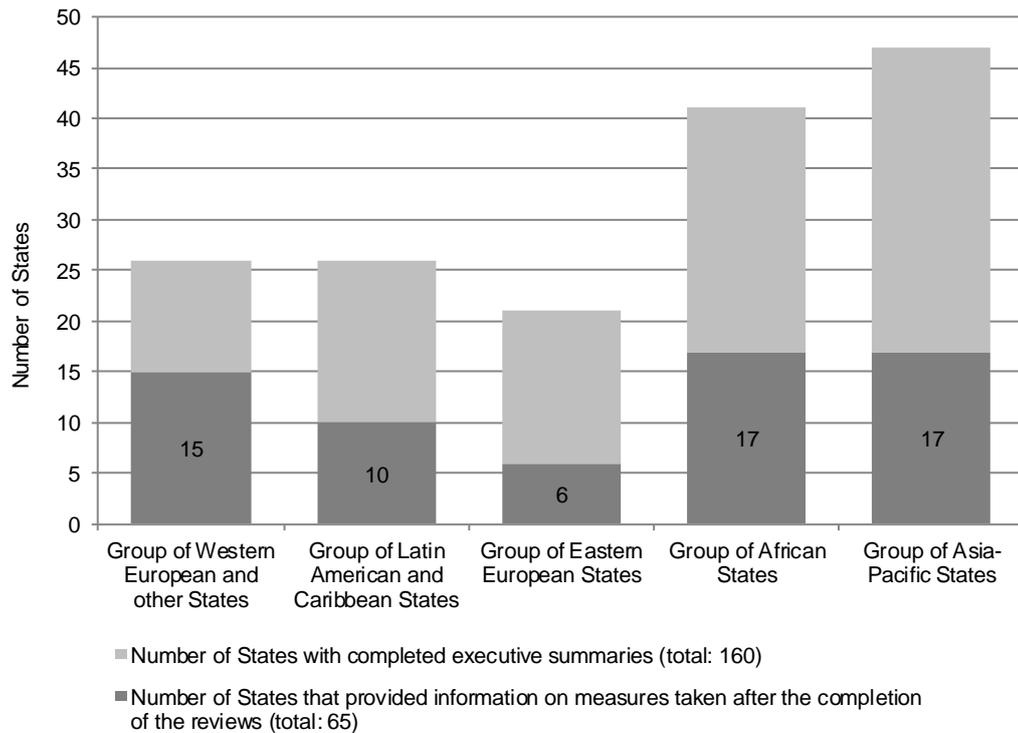
3. In its resolution 6/1, the Conference encouraged States parties to continue voluntarily sharing information on good practices, experiences and relevant measures taken after the completion of their country review reports, including information related to technical assistance, and to consider providing such information to the Secretariat for publication on its website.

4. As at September 2017, 160 States had completed their executive summaries under the first cycle of the Implementation Review Mechanism. To date, the Secretariat has received a total of 31 written submissions from those States, of which only one was sent in reply to the note verbale of 31 March 2017. Noting the wealth of information contained in statements made by representatives of States parties at the seventh, resumed seventh and eighth sessions of the Implementation Review Group, the Secretariat gathered an additional 34 submissions on the basis of those statements, which have been included in the analysis contained in the present document.

5. Figure I provides a breakdown, by regional group, of the 65 States that provided relevant information on good practices, experiences and measures taken after the completion of their reviews in response to the Secretariat’s requests for information, either by notes verbales or in the context of statements made at the sessions of the Implementation Review Group.

Figure I

Regional breakdown of States parties providing information on measures taken after the completion of the reviews (as at September 2017)



6. Information on measures to combat corruption taken by another 30 States parties as a direct result of the reviews was gathered either in the context of the ongoing reviews or through the delivery of technical assistance. In total, information from

95 States parties¹ was collected and used for the analysis contained in the present document. That number represents almost 60 per cent of the 160 States that have finalized their reviews under the first cycle.

7. In line with Conference resolution 6/1, the aim of the present document is to provide an account of good practices, experiences and measures taken by States parties after the completion of their reviews. It was prepared as an update to the information presented to the Implementation Review Group at its resumed seventh session (CAC/COSP/IRG/2016/12). With a larger sample size, the present document is also aimed at providing a deeper analysis of the previously identified areas in which measures have been taken by States parties after the completion of their reviews.

8. The following statistical information summarizes the impact of the Implementation Review Mechanism on promoting the full implementation of the Convention in the 95 States parties for which information was available:

- 86 per cent of States parties reported legislative reform efforts such as the adoption of new laws or the amendment of current laws to bring them into line with the requirements of the Convention.
- 74 per cent found that the Implementation Review Mechanism and its peer review element had helped identify gaps and shortcomings in their frameworks and systems for fighting corruption and/or expressly noted the overall positive impact of the Mechanism on their national efforts to fight corruption.
- 60 per cent explained how undergoing the review and participating in the work of the Implementation Review Mechanism had improved their institutional structure and cooperation at the national level.
- 58 per cent noted the positive impact of the reviews on strengthening their cooperation capacities, at both the domestic and international levels; the Mechanism had helped create a global community of practitioners fighting corruption.
- 58 per cent of States provided information on measures taken in relation to chapters II and V, either as a direct outcome of the first cycle or in preparation for the second.

II. Identifying gaps and shortcomings in national frameworks for fighting corruption

9. Aside from describing specific measures taken after the completion of their reviews, 74 per cent of States explicitly highlighted the important role played by the Implementation Review Mechanism in identifying gaps and shortcomings in their existing frameworks for fighting corruption, as well as in identifying ways forward for them to address such gaps and strengthen the system as a whole. Many States outlined how the ratification or accession process itself had also prompted them to consider their anti-corruption systems in greater detail. A number of States had

¹ Afghanistan, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Benin, Botswana, Burkina Faso, Brazil, Brunei Darussalam, Cambodia, Cameroon, Central African Republic, Chile, Colombia, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Guinea Bissau, Honduras, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Kenya, Kiribati, Kuwait, Liberia, Liechtenstein, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Montenegro, Morocco, Namibia, Nauru, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Russian Federation, Sao Tome and Principe, Saudi Arabia, Senegal, Slovakia, Solomon Islands, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Tanzania (United Republic of), Thailand, Togo, United Arab Emirates, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe.

delayed acceding to the Convention until their legal and institutional frameworks were better aligned with its requirements, while others had awaited the outcome of the review to receive clearer indications of where amendments would be required and where gaps would be identified by the peer reviewers.

10. While many States explained how the review process had helped them understand existing gaps and shortcomings, several also outlined steps taken to prepare for the second review cycle (see section VI below).

11. Several States emphasized how seriously the responsibility of the review process and its outcome had been taken. That was exemplified by States hosting both regional conferences and national workshops in order to underscore the importance of the exercise and to share their commitment to the Convention and the Implementation Review Mechanism, which one State noted “remained hugely important” to it. Another way of extending that responsibility was by making both the full report and the executive summary the subject of a press release, as well as presenting the outcome of the review in national workshops and briefing sessions. Some States described the review process as one of learning, and one State expressed appreciation for the opportunity it had presented to scrutinize its legislative framework and assess its record in combating corruption. Another State outlined how even the preparatory work, related to the self-assessment checklist, had helped identify weaknesses that needed to be addressed.

12. States repeatedly highlighted the importance and the benefits of the peer-learning aspect of the Implementation Review Mechanism, as it allowed States to accumulate a wealth of experience. One State described how the information exchange and the non-intrusive approach taken during the review process had made it all the more encouraging. Another State expressed the view that the recommendations and observations from the peer review process were beneficial as they allowed States and experts to learn from each other, which, ultimately, was the aim of the Mechanism.

13. Over one quarter of the States reported setting up inter-institutional structures and processes to bring together national stakeholders in order to draft a national implementation plan. Such plans were generally based on the review findings and at times set out priorities among the implementation measures so as to allow the State to address the findings gradually over time. In other States, the plan was comprehensive and had formed the basis of an overarching national anti-corruption strategy. Some States noted that the success of the implementation plan depended partly on the availability of technical assistance and support from development partners. Others noted that, in the absence of technical assistance, some measures had been taken within existing budgetary resources.

III. Triggering legislative reform and changes

14. As noted in previous reports by the Secretariat (for example, [CAC/COSP/2015/4](#)), legislative drafting, amendments and the adoption of new laws could be seen as a general trend and natural consequence of the reviews during the first cycle. In particular, chapters III and IV of the Convention contain a large number of legislative requirements to criminalize corrupt practices. According to the information available to the Secretariat, 86 per cent of States had taken, were in the process of taking or were planning to take various legislative measures subsequent to the completion of their country reviews. States indicated that they had adopted or were in the process of adopting new laws or legal provisions with the aim of better implementing the Convention’s requirements and addressing the recommendations issued during the review process. Furthermore, in reviewing the 160 executive summaries that had been completed by August 2017, it was interesting to note that roughly half of the States had already begun amending and addressing gaps in their legislation before the review was completed. That information was also confirmed by the information submitted by States for the present report.

15. A few States reported that comprehensive legislative reform efforts were well under way, as part of which a package of specialized anti-corruption laws, governing areas such as whistle-blower protection, public procurement and access to information, had been drafted. Concurrently, other overarching amendments were being made to those States' anti-money-laundering legislation and in order to address gaps in relation to specific articles of the Convention, including bribery in the private sector and the liability of legal persons. One State noted that, while amendments had been made relating to sanctions for legal persons, they had not had the desired effect, which meant that it would again review the provisions. Several States also noted how addressing the outcome of the review process had required constitutional amendments to ensure issues such as the protection of the anti-corruption agencies' independence. Another State provided information on its efforts to enshrine an explicit prohibition of corruption in its constitution.

16. The most common legislative reform related to the protection of witnesses and/or reporting persons. Nearly 40 per cent of the 95 States for which information was available indicated that they had adopted or were in the process of drafting or adopting new legislation relating to articles 32 and 33 of the Convention. A number of States had criminalized acts such as trading in influence and money-laundering as a direct result of the outcome of their reviews or had established the requirement to declare assets and liabilities. One State outlined how the offence of misconduct in public office had been established to enhance the fight against corruption, as that offence would not require any proof of corrupt intent, but would instead be based on the breach of professional conduct and duties.

17. Several States had also revised sanctions for corruption offences in the light of the findings of the reviews. One State had increased the number of years during which a public official would be ineligible from public service after a corruption conviction; another had extended the statute of limitations and increased the severity of sanctions for trading in influence, noting that the change in sanctions would make it an extraditable offence. Of the States that indicated that legislative efforts had been taken, half of them also indicated that further efforts were being discussed or were under way; that included several States considering increased penalties for legal persons.

IV. Improved institutional cooperation

18. Some 60 per cent of States reported that undergoing the review and participating in the Implementation Review Mechanism had led to improvements in their institutional structure and cooperation at the national level. A considerable number of States outlined how national committees, task forces and working groups had been established or had continued operating after the completion of the review process. Some had been established as new permanent structures, for instance in the office of the prime minister or the president, while others were used as mechanisms for consultation and coordination. As mentioned above, over one quarter of the States had prepared an implementation plan in order to ensure follow-up and had identified the institutions responsible for the relevant measures. Others had used the outcome of the review to raise awareness among parliamentarians, to prepare them for forthcoming legislative proposals.

19. As for specific examples of measures taken, States outlined how several new institutions had been established, including a high council on the rule of law and anti-corruption; a national agency on the prevention of and fight against corruption; an office on whistle-blower protection; and various specialized anti-corruption functions and units within the judiciary. One State had established a special committee to combat money-laundering and the financing of terrorism in addition to its already established financial intelligence unit. Another State had created a new central bribery and corruption unit within its national crime agency in order to pool its resources with those of other authorities.

20. Some States reported that work continued to be undertaken to enhance coordination and cooperation among national institutions. One State had gone as far as drafting a new law on the establishment of a mechanism to coordinate law enforcement and audit institutions, including the tax administration authority. Several other States had organized joint training sessions for institutions, including law enforcement and audit institutions, for that purpose. That was particularly the case in the area of investigations. One State mentioned that its state prosecutor's office and ministry of interior's police directorate had concluded an agreement on working together during preliminary investigations and criminal proceedings in order to ensure enhanced cooperation.

21. The importance of sharing information in a secure and timely manner was highlighted by a number of States. Initiatives in that regard included the establishment of reporting hotlines, online platforms, both for reporting and for sharing information among national authorities, and a series of asset declaration systems that would be managed electronically. The latter was seen as being of particular importance for ensuring a proper asset verification mechanism for fighting illicit enrichment.

22. While the above was the case for the majority of States, one State noted that, despite its best efforts to create synergies with the public prosecutor's office, its anti-corruption agency did not have systematic access to the indictments and judgments resulting from its investigations.

V. International cooperation: impact across national borders

23. The international dimension of corruption remains the *raison d'être* for the Convention. A total of 58 per cent of States reported that they had taken measures after the conclusion of the reviews in relation to chapter IV of the Convention. Several States noted that they had adopted or were in the process of adopting specific legislation relating to international cooperation in general and/or mutual legal assistance in particular. The active engagement required with regard to a request for mutual legal assistance had led to several recommendations being issued for States to establish a system to ensure the monitoring of the processing of such requests. Several States described how they had developed or refined their electronic tools for managing incoming and outgoing requests for mutual legal assistance. Another State noted that it had commenced reviewing its international cooperation laws in order to ease the requirements and conditions for the extradition of suspects.

24. While most States reported that they had had experience with mutual legal assistance and extradition prior to the reviews, many States had had limited experience in the area of international law enforcement cooperation outside of the I-24/7 information-sharing system of the International Criminal Police Organization (INTERPOL). Some States reported the strengthening of regional initiatives to implement the Convention requirement for law enforcement cooperation. Specifically, in 2017, the Pacific Islands Law Officers' Network working group on environmental crime and corruption had focused on legislation relating to the protection of reporting persons. Furthermore, examples of South-South exchanges and the secondment of staff among States demonstrated the peer-learning aspect at the international level.

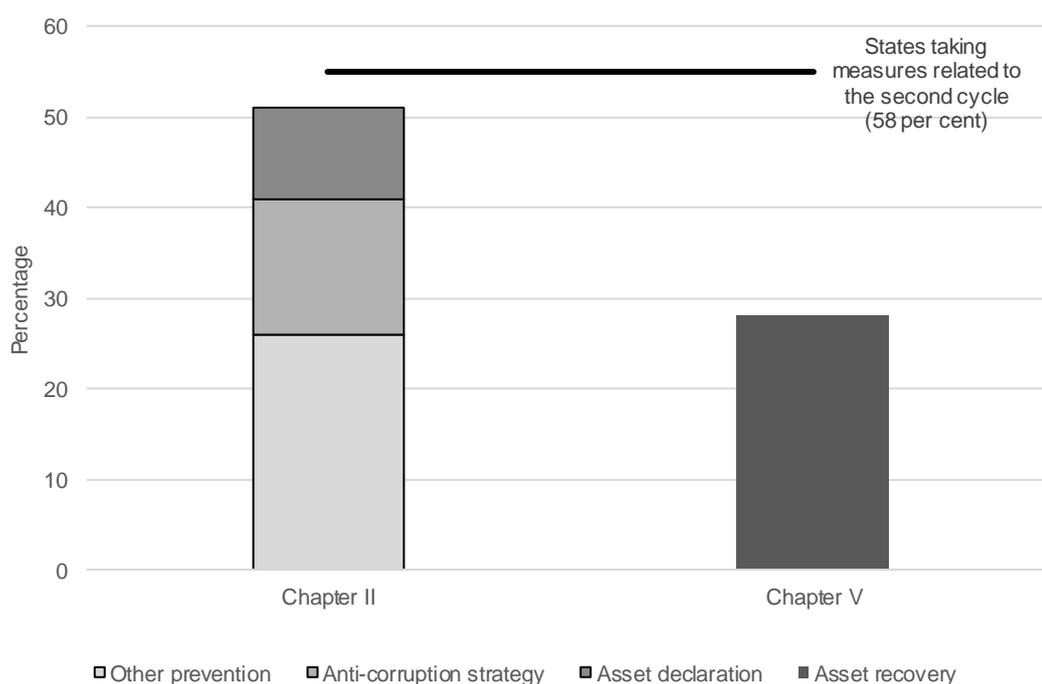
25. In its previous report ([CAC/COSP/IRG/2016/12](#)), the Secretariat outlined how the efforts and measures taken by States as part of their reviews had had a positive impact in relation to other anti-corruption review mechanisms, and vice versa. One State noted that its impending transposition of directive 2015/849 of the European Parliament and Council of the European Union, on the prevention of the use of the financial system for the purposes of money-laundering or terrorist financing, would bolster the competences of its financial intelligence unit, thereby addressing a recommendation for chapter IV. In the realm of law enforcement authorities' ability to cooperate across borders, reference was made by a couple of States to the standards

of the Egmont Group and the Financial Action Task Force, as well as their cooperation with the World Bank.

26. Such actions once again underscore that the implementation of the Convention cannot take place in isolation or in a purely domestic environment. Article 64 of the Convention states that the secretariat to the Conference of the States Parties should ensure the necessary coordination with the secretariats of relevant international and regional organizations. In article 63, subparagraph 4 (d), of the Convention, it is specified that appropriate use should be made of relevant information produced by other international and regional mechanisms for combating and preventing corruption. Furthermore, one of the guiding principles of the Implementation Review Mechanism is to complement, cooperate with and avoid duplication of efforts by other international and regional review mechanisms related to countering corruption.² Naturally, other forms of cooperation, be they bilateral or regional in scope, continued to complement that principle in States that were not geographically or otherwise able to take part in other such review mechanisms.

VI. Impact beyond the first cycle: measures ahead of the second cycle

Figure II
States having taken measures related to the second review cycle



27. The momentum generated by efforts taken to complete the review under the first cycle also led to initiatives in areas under review during the second cycle, in relation to both chapter II (Preventive measures) and chapter V (Asset recovery). Following analysis of the information, it was concluded that, of the 95 States parties for which information was available, over half, or 58 per cent, had initiated such measures as a direct result of the first cycle outcome or in preparation for the second cycle (see figure II above). One State, having finalized its review under the first cycle in 2017, requested that its review under the second cycle be brought forward from year five to year three. Several States reported on the establishment of working groups and committees in order to ensure early preparation of their self-assessment checklists. As the review of chapter II, in particular, will require close cooperation among and

² See subparagraph 3 (j) of the terms of reference of the Implementation Review Mechanism.

the contributions of a large number of national authorities, one State had charged its coordination body with assisting other relevant authorities in order to create synergies among all stakeholders.

28. One example of measures taken as a result of the outcome of the first cycle and of direct relevance to the second cycle relates to article 20 (illicit enrichment). Almost one fifth of States outlined how they had established new systems for the declaration of assets and other liabilities that targeted the prevention of conflicts of interest. One State noted that it had enhanced its legal framework to include penalties for the non-submission of such declarations, while another explained that its asset declaration system had been improved, taking into consideration the recommendations of other stakeholders, such as civil society. In order to ensure that the asset declaration system was firmly entrenched as a measure to prevent corruption, one State had ensured its inclusion through a constitutional amendment. Other areas that related to the first cycle but were directly relevant to the second concerned the establishment of codes of conduct for public officials, national anti-corruption strategies and legislation allowing non-conviction-based forfeiture. Such measures underscored the inter-dependency of the articles in the various chapters of the Convention.

29. Finally, a number of States noted measures taken explicitly to implement both chapter II and chapter V. Over half of the States for which information was gathered had taken such measures in relation to preventive measures, while one third had taken measures related to asset recovery. Some measures included plans for the establishment of an asset management office and others related to the development of asset recovery-specific legislation. In terms of preventive measures, a number of States provided information on how they had sought to enhance the transparency and integrity of their procurement systems. A few States had done so by establishing online procurement portals or full e-procurement systems as a measure for preventing opportunities for corruption. Nearly one quarter of States had embarked on the process of creating an overarching national anti-corruption strategy. Others recalled that, while the reviews for the first cycle had been completed, many of the challenges encountered (for example those relating to the protection of reporting persons) remained relevant to the second cycle.

VII. Technical assistance

30. A separate analysis has been prepared by the Secretariat on the technical assistance needs emerging from the country reviews under the first cycle ([CAC/COSP/2017/7](#)). That analysis was also aimed at providing an overarching assessment of the evolution of technical assistance needs during the period 2013-2017. However, in its resolution 6/1, the Conference also encouraged States parties to share information related to technical assistance. While most information submitted to the Secretariat focused on efforts made and measures taken following the review process, a small number of States also included information relating to technical assistance, either received or provided in relation to the outcome of the reviews.

31. A full account of technical assistance provided by UNODC in support of the reviews can be found in the note by the Secretariat on that topic ([CAC/COSP/2017/3](#)).

VIII. Conclusions and issues for further consideration

32. While the findings of the reviews resulted in individual measures at the national level, it was clear that the implementation of the Convention has had an impact well beyond national borders. As such, the impact of the reviews was not limited to the chapters under review in each cycle, but was related to the Convention as a whole. The impact was also felt in relation to other anti-corruption peer review mechanisms and technical assistance delivery and programming. As described above, the provisions reviewed during the first cycle and their challenges allowed an insight into the provisions that would be under review during the second cycle. There has also

been evidence of momentum created through the early preparation for the reviews for the second cycle. Indeed, in order to support States in their preparations, the Secretariat organized a training session in Moscow in April 2017 for the focal points of the States to be reviewed in the second year of the second cycle. Several States indicated that the session had helped them appreciate the new set of challenges that lay ahead, in particular in relation to the need to engage a large number of governmental counterparts and to begin early preparations for the self-assessment checklist.

33. The submissions received through official channels, coupled with the additional information gathered through knowledge and experiences, either in the context of the ongoing reviews or through the delivery of technical assistance, have allowed for an impressive analysis that demonstrates the impact of the Implementation Review Mechanism not only during the first cycle, but also during the early stages of the second cycle. In that context, it is noteworthy that, for the 95 States parties from which information was gathered, the impact of the Mechanism was felt across the board, from high-income to the least developed countries. Finally, in line with paragraph 12 of Conference resolution 6/1, the Secretariat is in the process of publishing the reports from States on follow-up, as applicable, on the Implementation Review Group's dedicated country profile web pages (www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html).
