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**Review of the implementation of the
United Nations Convention against Corruption****Views of States parties on the performance of the
Mechanism for the Review of Implementation of the United
Nations Convention against Corruption****I. Introduction**

1. In its resolution 8/2, the Conference of the States Parties to the United Nations Convention against Corruption acknowledged that continuing the process of evaluation of the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption before the completion of the second review cycle on the basis of the experiences gained in the first review cycle could significantly contribute to useful outcomes, and that that process should be started without prejudice to any subsequent continuation of such work following the completion of the second review cycle. In the same resolution, the Conference requested the Implementation Review Group to continue to collect, with the support of the secretariat, relevant information, including the views of States parties, pertaining to the performance of the Implementation Review Mechanism, with a view to continuing, at the appropriate time, the Group's assessment of the performance of the Mechanism, as provided for in paragraph 48 of the terms of reference of the Mechanism and Conference decision 5/1, and in that regard to continue to report to the Conference on progress made, bearing in mind the request in paragraph 5 of Conference resolution 3/1 for the evaluation of the terms of reference at the conclusion of each review cycle.

2. In a note verbale dated 18 August 2021, the secretariat invited States parties to the Convention to submit their views, if any, on the performance of the Implementation Review Mechanism, in particular on the conduct of country reviews, the outcomes of country review processes and follow-up procedures, including views on good practices and/or challenges identified in the conduct of the country reviews, the model schedule for country reviews and the role of the secretariat as set out in the terms of reference of the Mechanism, as well as any other issues that they deemed relevant.

3. Views have been received from the following 26 States parties: Albania, Argentina, Belarus, Bhutan, Chile, China, Cuba, Czechia, France, Italy, Madagascar, Mexico, Morocco, Myanmar, Nicaragua, Niger, Norway, Panama, Peru, Poland,

* CAC/COSP/2021/1.



Qatar, Republic of Moldova, Russian Federation, Senegal, United Arab Emirates and United States of America.

4. The submissions are reproduced below in the form in which they were received.¹ This conference room paper should be read in conjunction with the note by the Secretariat entitled “Views of States parties on the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption” (CAC/COSP/2021/4), which is aimed at providing a succinct analysis of the views expressed by States parties.

II. Comments received from States parties

A. Albania

(1) With regards to the Model Schedule for Country Reviews, it is our view that the timeline for completing the review within six months remains highly implausible. In addition, the timeline for completing the self-assessment checklist is quite tight for such a demanding process:

(a) The process of completing the self-assessment checklist requires input from numerous institutions and the timely coordination of these institutions is difficult;

(b) Completing the self-assessment checklist is an added responsibility for each institution, in addition to the performance of daily tasks;

(c) Many institutions do not have the required human and technical capacities to provide timely input regarding the self-assessment checklist;

(d) Coordinating and reviewing the institutional input is an added responsibility for the focal point and the governmental experts, in addition to the performance of their daily tasks.

Taking into consideration similar evaluation processes (e.g. GRECO), it is our position that the timeline for the completion of the country review should be extended, in order to accommodate different institutional circumstances for each country and to provide for an accurate review process.

(2) With regards to the role of the secretariat pursuant to article 49 of the ToR, it is our view that the secretariat continues to provide adequate substantive and technical support, not only upon request by State parties, but rather provide periodic updates on the review process for each country under review. It is common that institutions, focal points and governmental experts engaged in the UNCAC review process change pursuant to domestic reforms, so it is crucial for the newly appointed institutions, focal points and governmental experts, to be provided with the relevant information on the most current stage of the review process.

Lastly, we would like to take this opportunity to express our appreciation for the substantive and technical support that the secretariat has provided with regards to building and strengthening the capacities of the country’s governmental experts.

B. Argentina

(a) Good practices and/or challenges identified in the conduct of the country reviews

With regard to good practices identified during the two review cycles that have taken place under the Mechanism, it may be noted that the challenges encountered have

¹ Most submissions that were received in languages other than English were submitted for official translation.

related mainly to adherence to the timelines established in the terms of reference of the review methodology.

The fact that there is no schedule with set deadlines to be met by States under review and by reviewing States for each of the steps in the review process – the number of months for completing the review being merely indicative – has led to time lags between the various steps, as a result of which, in many cases, the review process is too lengthy and the information provided becomes outdated.

Moreover, it is felt that the presentation and/or publication of the findings from the reviews could be improved. A modern, user-friendly platform enabling searches by topics would be more efficient and useful.

(b) The Model Schedule for Country Reviews based on the Terms of Reference of the Review Mechanism and the Guidelines for governmental experts and the secretariat

In terms of scheduling, some shortcomings have been identified in the coordination of meetings over the course of the year, including overlap with meetings organized under other regional and international mechanisms – such as the Group of 20, the Community of Latin American and Caribbean States and the Financial Action Task Force – and under the mechanisms established pursuant to the Inter-American Convention against Corruption and the OECD Anti-Bribery Convention.

In that respect, Argentina has consistently supported the promotion of synergies between mechanisms, particularly with regard to scheduling, with a view to preventing surges in demand for the participation of, and information from, specialized agencies during certain periods of the year, which affects those agencies' productivity levels, the quality of the information provided and the agencies' ability to participate actively in meetings, whether remotely or in person.

(c) The role of the secretariat as set out in paragraph 49 of the Terms of Reference

With respect to the duties performed by the secretariat as set out in the terms of reference of the Mechanism, the above-mentioned paragraph states:

49. The secretariat of the Conference shall be the secretariat of the Mechanism and shall perform all tasks required for the efficient functioning of the Mechanism, including providing technical and substantive support, upon request, to States parties in the course of the functioning of the Mechanism.

In that regard, it is satisfying to note the secretariat's constant willingness to assist States in their implementation of the Convention, facilitate the exchange of information and create opportunities for sharing information and replicable practices.

A key role is played by the recently established Regional Platform for Latin America, which began operating in Argentina in March 2020 and has enabled the implementation of many initiatives aimed at accelerating the implementation of the United Nations Convention against Corruption. These initiatives have contributed to the design of recent public policies on transparency, integrity and the fight against corruption, and in particular to the development of a national integrity strategy.

Additionally, it is worth highlighting the training activities offered under the Regional Platform on key topics of specific interest for the agenda of each country and the organization of capacity-building events, coordinated from Vienna, on the scope of the Convention and its Review Mechanism.

(d) Other relevant issues

The Argentine Republic deems it relevant to reaffirm its position regarding the need to promote synergies between monitoring mechanisms under the various international conventions on corruption with a view to making their implementation more effective.

In addition to the issue of scheduling mentioned above, the key enhancements that should be pursued include optimizing the use of available resources, improving the dissemination of and access to the information produced, promoting a holistic approach when handling each topic and facilitating the exchange of good practices among the States parties, in particular as part of the exchange of regional experiences.

The expected outcomes of such efforts to promote synergy are strengthened cooperation, agility in the production and use of information in a timely manner, the development and implementation of new joint workplans, and the saving of material and human resources (staff hours spent on work related to the mechanisms: questionnaires, checklists, coordinated agenda and schedule, etc.).

C. Belarus

The first cycle of the review of implementation of the United Nations Convention against Corruption has been completed for the Republic of Belarus; the review was performed by the Republic of Moldova and Georgia and covered chapters III and IV of the Convention (“Criminalization and law enforcement” and “International cooperation”, respectively).

An executive summary of the country report was prepared on the basis of the findings of the review. After being agreed on, the executive summary was published on the website of the United Nations Office on Drugs and Crime (UNODC) in 2018.

Ukraine and Mozambique are currently conducting the second-cycle review of the implementation by Belarus of chapters II and V of the Convention (“Preventive measures” and “Asset recovery”, respectively).

In accordance with the Implementation Review Mechanism, responses to the self-assessment checklist were sent by the Prosecutor-General’s Office to UNODC in 2018.

A visit to Belarus by experts from the reviewing countries had been scheduled to take place in 2020 but was postponed indefinitely owing to the spread of the coronavirus disease (COVID-19).

A governmental expert from Belarus participated in the first-cycle reviews of the implementation by the Islamic Republic of Iran and the Cook Islands of the Convention, in 2013 and 2014, respectively.

At present, experts from Belarus are continuing their work on the second-cycle review of the implementation by Poland of the Convention. The desk review has been carried out following the completion by Poland of its self-assessment checklist. The country visit planned as the next stage has also been postponed owing to the COVID-19 pandemic.

During its participation in the Implementation Review Mechanism as both a reviewing State and a State under review, Belarus has cooperated constructively with the secretariat on all matters related to participation in the Review Mechanism – in particular, on completing the self-assessment checklist, conducting desk reviews and country visits, and preparing country review reports and executive summaries.

Belarusian governmental experts have engaged with the secretariat on all matters pertaining to the conduct of the review process for Belarus.

No problematic issues have arisen.

D. Bhutan

In relation to note verbale No.: CU 2021/299(A)/DTA/CEB/CSS, Bhutan is pleased to provide the following information and/or views against each subject to which views were sought. The information provided hereunder is to update the progress made by

Bhutan thus far in addressing the challenges in implementing the recommendations identified in the country report.

1. Good practices and/or challenges identified in the conduct of the country review

The Executive Summary of Bhutan with document symbol [CAC/COSP/IRG/I/4/1/Add.66](#) for the first cycle review highlights both the successes, good practices and challenges in implementation of Chapter III of the UNCAC. Some of the successes and good practices are:

- Section 60 of ACAB (“Possession of unexplained wealth”) also covers former public servants and persons who serve or have served in civil society or other organizations using public resources (art. 20)
- Bhutan’s comprehensive system of value-based sentencing that takes into account the minimum wage rate in place at the time of the crime during the previous 35 years or more (art. 30, para. 1)
- Measures concerning the independence of the ACC enshrined in the Constitution, including its financial security and operational independence (sections 6 and 7 of ACAB) and the security and independence of human resources management (art. 36)
- The existence of memorandums of understanding among government agencies and civil society to enhance cooperation and coordination (art. 38)

The following challenges were identified in implementing Chapter III of the UNCAC and recommended to:

- Consider including obstruction of justice as an underlying offence for purposes of the offence of concealment of corruption proceeds under section 73 of ACAB (art. 24)
- Adopt measures prohibiting the bribery of witnesses, as provided for in article 25 (a) of the Convention
- Enhance transparency of the judicial process, give consideration to establish a law reports system whereby court judgments are made available in an accessible format (art. 30, para. 1)
- Specify the procedure for application of immunity provision in section 135 of ACAB, taking into account the cooperation of the defendant, and provide adequate safeguards in the application of immunities, such as oversight by senior prosecutors and the recording of the matter in the case file (art. 30, para. 2)
- Strengthen measures for the management and administration of frozen, seized and confiscated property (art. 31, para. 3)
- Remove the proviso in section 216 of FSA, to ensure the disclosure of bank, financial and commercial records where required by law or court order, regardless of the protection of the interests of the client (art. 31, para. 7)
- Continue to invest in capacity-building to further develop specialized skills of relevant law enforcement personnel, e.g. in the ACC, OAG, Police and FID (art. 36)
- Adopt measures to encourage persons who participate in corruption offences to cooperate in investigations or prosecutions by providing information or assistance related to the case or in recovery of proceeds (art. 37, para. 1)

Some of the successes and good practices identified in implementing Chapter IV of the UNCAC are:

- Section VIII.A of EA, allowing for evidence and documents received from requesting States to be admitted as evidence in court, notwithstanding the provisions of the law of Bhutan (art. 44)
- Section 154 of ACAB, stipulating that requests can be implemented even when not fully compliant with the requirements of the Act, where ACC is satisfied that there is sufficient compliance to enable it to properly execute the request (art. 46, paras. 15 and 21)

The following challenges were identified in implementing Chapter IV of the UNCAC and recommended to:

- Review domestic legislation pertinent to extradition and mutual legal assistance to more specifically address relevant obligations under the Convention against Corruption, including by adopting more specific laws on extradition and mutual legal assistance (arts. 44 and 46)
- Ensure that the Convention offences are considered extraditable (art. 44, para. 1)
- Ensure that Convention offences are included as extraditable in future extradition treaties and are not considered political offences (art. 44, para. 4)
- Consider the Convention as the legal basis for cooperation on extradition with other States parties (art. 44, para. 6)
- Consider clearly defining, in applicable domestic legislation and in line with the requirements of the Convention, the circumstances under which extradition may be denied (art. 44, para. 8)
- Ensure that an expedited extradition procedure and simplified evidentiary requirements can be applied to extradition requests received from other States parties (art. 44, para. 9)
- Specifically include guarantees of fair treatment in EA (art. 44, para. 14)
- Specifically include grounds for refusal of extradition in EA, as specified in article 44, paragraph 15
- Consider specifically stipulating in EA a requirement to consult with the requesting State party before refusing extradition and ensure that such consultations are conducted in practice (art. 44, para. 17)
- Adopt more detailed provision on facilitating voluntary appearance of persons in the requesting State party (art. 46, para. 3 (h))
- Review and amend (as necessary) legislation on the recovery of assets in the light of the binding obligations of chapter V, in particular article 57, of the Convention (art. 46, para. 3 (k))
- Specifically incorporate the requirements stipulated in article 46, paragraphs 4, 5, 10–12, 14, 17–20 and 24–29, in its domestic legislation and ensure that they are followed in cases of mutual legal assistance provided to other States parties on the basis of the Convention
- Bhutan is encouraged to specifically incorporate the requirements of article 46, paragraph 8, of the Convention in its domestic legislation and ensure that they are followed in cases of mutual legal assistance provided to other States parties on the basis of the Convention

The success, good practices and challenges identified were relevant. To gauge the ongoing effort in preventing and combating corruption, Bhutan positively took note of the challenges identified and the recommendations. To address the legislative lacunae, the Anti-Corruption Commission (ACC) proposed for the amendment of the Anti-Corruption Act of Bhutan. The National Assembly of Bhutan discussed and

passed the Anti-Corruption (Amendment) Bill in 2021 and forwarded the same to the National Council for deliberation.

The Anti-Corruption (Amendment) Bill seeks to address all the challenges highlighted in the country report which includes criminalization of active and passive bribery of witnesses, procedures for granting immunity, management and administration of frozen and seized properties, among others. To encourage persons who participate in corruption offences to cooperate in investigations or prosecutions by providing information or assistance related to the case or in recovery of proceeds and evidences enabling provisions has been proposed in the Bill. The ACC has developed and adopted Guidelines namely Witness Protection Guideline and Guidelines on Granting Immunity for Providing Assistance in Investigation and Prosecution of Corruption Offence. These guidelines provide various means and measures to ensure effective witness protection, and detail conditions and procedures for granting immunity to a person who had participated in an offence.

The ACC has established a dedicated Division called Seized Property Management Division under the Department of Professional Support for effective management of seized or frozen properties. The ACC has developed and adopted the Guidelines on the Seized Property and Evidence Management and online based (intranet) Seized Property Information Management System (SPIMS). The ACC has opened an escrow account to deposit seized cashes. A Standard Operating Procedure (SOP) for the effective management of the escrow account has been developed. In order to dispose the seized movable properties liable to speedy decay or deterioration, or is property which cannot be maintained without difficulty, or which is not practicable to be maintained, the ACC has developed and adopted the Guideline for Auction of Seized Property.

The Judiciary has taken efforts to publish judgments, especially by the High Court and Supreme Court, on its website and made them accessible to the general public.

To continue investing in capacity-building to further develop specialized skills of the ACC staff, various reforms were initiated to enhance its institutional and human resource capacity. Such initiative includes adoption of Human Resource Master Plan and development of the Competency Framework based Human Resource Development Plan for 23 positions in the ACC. This framework is expected to guide the ACC in initiating strategic human capital investment based on competency needs and proficiency levels.

Currently, Bhutan is under advanced stage of drafting Mutual Legal Assistance Bill. The Bill addresses all the requirements of article 46 of UNCAC and challenges identified in the country report.

2. The Model Schedule for Country Reviews based on the Terms of Reference of the Review Mechanism and the Guidelines for Governmental Experts and the Secretariat

The Model Schedule on the Implementation Review Mechanism provides a timeline within which specific activities related to the country review are required to be completed. The experience of Bhutan in relation thereto is that the schedule of activities and timelines therefor are unrealistic. Bhutan experienced that, albeit all the attempt, it is practically impossible to complete preparing comprehensive self-assessment checklist within a month with great risks to the quality of information to be incorporated in the checklist. This unrealistic timeline causes the States parties to hasten the activities and compromise the quality of the self-assessment checklist. Moreover, the repeated need to seek for time extensions only burdens the administrative procedures of both the States parties and the Secretariat. Therefore, there is a need to reconsider the model schedule and the Terms of Reference for Governmental Experts and the Secretariat, especially the timeline.

3. The role of the Secretariat as set out in paragraph 49 of the Terms of Reference

Bhutan did not consider it necessary to provide views/comments on the role of the Secretariat.

4. Any other issues that the Government deems relevant

There is no other specific information or issues to be shared.

E. Chile

In terms of good practices, [Chile] would like to highlight the creation of a tab on the website of the UNCAC Anti-Corruption Alliance where information on the UNCAC and its review mechanism is published, as a proof of the efforts to bring citizens closer to these processes (link: www.alianzaanticorruccion.cl/AnticorruccionUNCAC/convencion-de-las-naciones-unidas-contra-la-corruccion-uncac-en-chile/).

Chile prioritizes the cross-cutting participation of institutions involved in the fight against corruption, so the Ministry of Foreign Affairs coordinates a collaborative and inclusive process where the various institutions can participate and contribute to the decisions related to the UNCAC.

Regarding section (b) in the note [verbale] sent, it would be advisable to consider a mechanism for revising the Model Calendar to make it more flexible and adaptable to the reality of each country. This would make it possible to guarantee that all the institutions involved participate according to the time frames they are dealing with.

F. China

The United Nations Convention against Corruption (hereinafter “the Convention”) is the most important and broadly representative legal document in the field of international anti-corruption work. For the first time, the Convention has, at the international level, established anti-corruption mechanisms such as the implementation review, laying a legal foundation for international cooperation against corruption and beginning a new chapter in the international governance thereof.

China was the first country to sign the Charter of the United Nations and was among the first countries to sign and ratify the Convention. We deeply appreciate the efforts and contributions of the United Nations in preventing and punishing corruption and firmly support the role of the Convention as the main conduit for global governance against corruption. We believe that this review of the Implementation Review Mechanism will provide an overview, and a systematic summary, of the positive results achieved by the Convention since the introduction of the Mechanism as well as the challenges presented in advancing global anti-corruption governance, and sets a direction for future improvement. We fully affirm the positive role of the Mechanism in effectively promoting the implementation of anti-corruption measures by States parties, and we reiterate our consistent support for it. The Mechanism provides important support for enhancing the effectiveness of anti-corruption governance for States parties, including China, and for deepening international cooperation in anti-corruption work, and is universally recognized by the international community.

During the special session of the United Nations General Assembly against corruption in June of this year, Zhao Leji, a member of the Standing Committee of the Central Political Bureau of the Communist Party of China and Secretary of the Central Commission for Discipline Inspection, in view of the current characteristics of global anti-corruption governance, outlined a four-point proposal for international cooperation against corruption: “insist on fairness and justice, uphold virtue and condemn evil; respect differences and promote equality and mutual learning; pursue mutually beneficial cooperation through extensive consultation and joint contribution; and honour commitments and put action first”. China will abide by that

proposal as its basic principle, deepen communication and coordination with the secretariat of the Convention and the States parties and promote the Mechanism to provide better support to States parties in implementing the Convention.

China has always been a defender and builder of, and contributor to, the international order. We are of the view that the Mechanism, as it currently exists, reflects its role as the greatest common factor shared by States parties in advancing pragmatic cooperation to combat corruption. The section on the guiding principles and characteristics of the Mechanism stating that “the intergovernmental process of the Mechanism shall respect the principles of equality and sovereignty of States parties, and shall take into account the levels of development of States parties, as well as the diversity of judicial, legal, political, economic and social systems and differences in legal traditions”, and the section on the review process affirming that “the country review reports shall remain confidential, and the State party under review is encouraged to exercise its sovereign right to publish its country review report or part thereof”, among other content, are important requirements of all States parties, particularly developing countries, and must be fully respected.

China is willing to work with all parties to embrace the concept of a community of common destiny for humankind, adhere to the principles of joint discussion, building and sharing, continue to give scope to the role of the review mechanism and explore its future direction, particularly the strengthening of technical assistance to developing countries, and address common challenges together.

In recent years, China has provided support to the anti-corruption institutions of more than 60 developing countries as well as relevant international organizations. We will continue to provide funding, within our capacity, to the United Nations Office on Drugs and Crime, the International Anti-Corruption Academy and other institutions, and contribute to the implementation of the Convention and other anti-corruption capacity-building activities in developing countries.

G. Cuba

We reaffirm the assessment previously provided on the subject, in which an expert of ours was involved:

“The Mechanism created to review the implementation of the United Nations Convention against Corruption embodies the principles that it endorses in terms of respecting the diversity of the States parties; it is neither intrusive nor invasive vis-à-vis national legal systems; it is conducted at a high technical and intergovernmental level; and, in practice, it provides genuine and effective assistance without discrimination. This exercise has strengthened – by its very nature, objectives and methods of implementation – inter-institutional cooperation and the development of multidisciplinary teams that interact with the various actors in society. The Mechanism also stands out for the sense of responsibility and professionalism of the reviewers and those under review, and for the quality of the work performed by them – from the self-assessment process to the exchange of good practices and the identification of legislative gaps, risks and problems to be tackled. In this regard, it acts as the best possible catalyst of preventive work. We consider it to be a model that should be disseminated, given the work it accomplishes and the experiences it offers.”

To elaborate on the matter in hand:

(a) Good practices and/or challenges identified in the conduct of the country reviews

In view of its guiding principles, which are in line with the United Nations Convention against Corruption, and its characteristics and purposes, including the fact that it is a participative intergovernmental process, the Review Mechanism provides the States parties with an opportunity to successfully identify, on the basis of self-assessment, their strengths and weaknesses, along with the threats and opportunities they face, in

terms of preventing and combating corruption and its destructive effects on humankind as effectively and efficiently as possible within the framework of the Convention.

The Mechanism fosters and assists in the strengthening of institutional cooperation and coordination among the law enforcement authorities, as reflected in the establishment of the State Review Commission, which, among other relevant aspects, analyses cases related to irregularities, illegal activities and manifestations of corruption, together with their causes and the conditions facilitating them, with a view to adopting measures aimed at preventing their reoccurrence. This is done with the involvement of public bodies, agencies and institutions that hold governance roles in this area, and it includes following up on the prevention and combating of corruption in line with the international commitments undertaken by Cuba.

Furthermore, institutional coordination between the law enforcement authorities and the private sector and civil society has also been increased.

The Mechanism:

- Strengthens measures to promote transparency and accountability at public administrations through the continuous enhancement of their risk management and internal audit systems, record keeping and timely information on the national budget and on expenditure and revenue.
- Helps to enhance the mechanisms for public reporting and citizen participation.
- Contributes to the continuous enhancement of States parties' legislative systems and of international cooperation and collaboration, and to an increase in the number of bilateral agreements on mutual legal assistance and asset recovery, with the shared aim of pulling together to ensure that there are no safe havens for corrupt practices and the misappropriation of assets.
- Fosters and facilitates communication channels between national institutions and regional and international organizations – such as INTERPOL, the International Organization of Supreme Audit Institutions, the Ibero-American Network for International Legal Cooperation, the World Customs Organization, the Association of Supervisors of Banks of the Americas, the Asset Recovery Network of the Financial Action Task Force of Latin America, and the Secure Web system of the Egmont Group of Financial Intelligence Units – allowing them to unite their efforts so as to establish direct exchanges and combat corruption more effectively and efficiently.

In this regard, it is worth singling out the work performed by the Coordinating Committee for the prevention and detection of money-laundering, terrorist financing and the proliferation of weapons of mass destruction, in which public bodies, agencies and institutions holding a governance role in these activities are all involved. It is also worth highlighting the national risk strategy and how it is assessed and updated regularly.

All these measures are contributing to the implementation of the National Social and Economic Development Plan for 2030, which encompasses approved public policies for preventing and combating corruption with a view to promoting legal culture, ethics, transparency and accountability in relation to the proper management of public affairs and public property.

(b) The Model Schedule for Country Reviews and the Guidelines for governmental experts and the secretariat

The model schedule and guidelines help to foster States parties' sense of responsibility for providing responses and inputs in accordance with the established terms of reference, and also their awareness of the obligation to follow up effectively on the recommendations arising from the review process and to regularly evaluate the

outcomes of the latter, so as to prevent and combat the scourge of corruption more efficiently and effectively, bearing in mind its destructive effects on humankind.

As for the role of the secretariat, given the high professionalism and ethical standards of its officials, it has proved to be very helpful and instructive for the States parties, notably by promoting the exchange of best practices and respect for the legal system of each State party.

H. Czechia

The Czech Republic considers the UNCAC IRM to be a well-designed and a well-functioning monitoring mechanism which could serve, and has already served in case of the UNTOC review mechanism, as a role model for other monitoring procedures.

(a) The Czech Republic believes country visits form an important part of country reviews. While we are fully aware of financial implications of holding in-person country visits, we are of a view that in-person country visits are crucial to really find out the situation in a State party under review. It is the only way to meet all stakeholders involved, to have a “personal impression” from them, to see all relevant documents, if necessary, to speak to the civil society. Virtual, hybrid or even totally cancelled country visits which we have experienced in the past period due to the pandemic were very unfortunate as they can never provide the same level of participation and information as physical visits, therefore we fully support the return to in-person country visits.

(b) While the Czech Republic has always tried to stick to the given schedules for country reviews, it has often been quite demanding. We understand the concern of the Secretariat to receive all self-assessment checklists in time, however, we have also been experiencing substantial delays on the part of the Secretariat (which could be contributed to the fact that the Secretariat has only a limited number of employees to cover the country reviews). We would therefore support the prolongation of time limits in the country reviews schedule, as it has become clear that very few country reviews can actually be undertaken within the set time limit (for whatever reason on whatever side).

(c) The Czech Republic would like to express its deep appreciation to the Secretariat for the administration and management of the IRM. We believe the role of the Secretariat is irreplaceable, as to the knowledge, continuity, and smooth running of the reviews. We fully support the position of the Secretariat in the country reviews as it is now and hope its helpful assistance will be available to the States parties also in the future.

I. France

In response to note verbale CU 2021/299/(A)/DTA/CEB/CSS and after having consulted various offices and bodies (the Ministry for Europe and Foreign Affairs, the Ministry of Justice (DACG), the Court of Auditors, the French Anti-Corruption Agency and the High Authority for Transparency in the Public Sector), the Permanent Mission of France to the United Nations wishes to submit the following comments:

1. Duration of country reviews

France is aware of the limitations that both the secretariat and reviewed and reviewing States face in organizing and conducting country reviews. Delays in the completion of country reviews, among other issues, have been the subject of extensive discussion between States parties and the secretariat, primarily during sessions of the Implementation Review Group for the Merida Convention.

The French authorities nevertheless wish to highlight, firstly, that the model schedule for country reviews established on the basis of the terms of reference of the Review

Mechanism no longer seems to be appropriate for the workload involved in conducting country reviews. In those authorities' experience as both reviewed and reviewing authorities, it is not easy to keep to the model schedule given the internal limitations of country reviews (in the first and second cycles) as well as external factors that have an impact on the authorities' overall workload. The opinion of States parties could be sought regarding the possibility of streamlining the country review process, while preserving the thorough level of analysis undertaken. Consideration could also be given to establishing a longer time frame (such as one year) for the conduct of reviews, while making adherence to that time frame subject to stricter monitoring by the secretariat.

More frequent reporting to reviewing countries of adjustments to the schedule could be encouraged. The lack of information available to reviewing States concerning the progress of country reviews between each milestone in the process, in which deadlines are often not adhered to, has repercussions for the internal organization of reviewing departments, which cannot always guarantee their availability amid such uncertainty, and it undermines the quality of the exercise, which is marked by frequent changes in review teams and a lack of effective follow-up during the process.

2. Developments subsequent to the country visit not taken into account

The process, which is very lengthy in practice, may cause even greater challenges in view of the secretariat's refusal to take into account any developments subsequent to the country visit. Both the final review report and the executive summary may thus contain outdated information on national legislation, which is detrimental in a number of ways. For instance, reviews might not provide an accurate picture of the state of implementation of the Convention, and efforts by States parties to improve implementation of the Convention might not be properly reflected, which is particularly unfortunate for States parties such as France that have committed themselves to transparency in these reviews and the publication of the final report. It also – and this is a very real problem – makes the work of the reviewed authorities in finalizing the report extremely complicated, since they have to reread the report and make observations while thinking back to the situation at the time, sometimes several years earlier, of the country visit.

By way of comparison, this is not the case with the peer review mechanism of the OECD Working Group on Bribery, whose reports relate to the situation at the time of review and at the time of adoption by the Group. In addition to that approach resulting in a more accurate report, it also acts as a motivating factor for the country under review, which has a period of time, between the reviewers' initial observations during the country visit and the adoption of the report, during which corrective measures can be taken.

We do not believe that the terms of reference prohibit developments that take place subsequent to a country visit from being taken into account, since the visit is – although strongly encouraged – optional, and it takes place during the preliminary phase of the review process.

3. Determination by the secretariat and reviewing countries of what constitutes good practice

The French authorities would like to have a better understanding of how the secretariat and reviewing countries identify successes and good practices. In that regard, clearer reasons for the choices should be provided and the choices should be informed by direct exchanges between reviewed and reviewing countries.

J. Italy

As a State party under review, Italy has to date successfully completed the first and the second cycle of the UNCAC Implementation Review Mechanism (IRM). Italy performed as a reviewer for other States parties.

Against this background, Italy had the opportunity to assess good practices together with some challenges of the Mechanism.

As to the performance of the IRM, in particular the conduct of country reviews, Italy is of the view that:

- In general terms, the Mechanism has proven to work smoothly and efficiently.
- The data entry software (“Omnibus”) seems to be rather burdensome and not always user-friendly; in particular it is not ideal for a shared interministerial work.
- The present “Guidelines for governmental experts and the secretariat in the conduct of country reviews” provide for a country visit or a joint meeting at the United Nations Office at Vienna as a mere option while, in concrete terms, it seems to have been the standard procedure for most States parties. More precise directives should guide the process in this regard.
- The preparation stage of the country review report seems to have become a two-stage process, with most attention concentrated on the executive summary and the risk of a possible decrease of interest in the report itself, which sometimes is finalized even several months after the summary.
- It may be argued that for a possible future new cycle of the review mechanism, the system may be reconsidered, in particular on the following aspects:
 - A tailor-made approach, focused on enforcement and cross-cutting issues, and challenges and “leftover” from the first and the second cycles.
 - A simplified self-assessment checklist.
 - A unified and simplified country review report, closer to the present executive summary model.
- As a final remark, Italy is also of the view that there is room to further develop synergies with the secretariats of other relevant multilateral mechanisms with a view to enhancing the performance of the review mechanisms, avoid duplication of efforts and at the same time reducing the burden on States parties which undergo different review mechanisms focused on similar thematic areas, thus ensuring the cost-effectiveness of these mechanisms.

K. Madagascar

In accordance with paragraph 12 of the terms of reference of the Review Mechanism, Nigeria and Nicaragua reviewed during the first review cycle the implementation by Madagascar of articles 15 to 42, corresponding to chapter III, “Criminalization and law enforcement”, and articles 44 to 50, corresponding to chapter IV, “International cooperation”, of the Convention.

That review began in July 2013 and was completed in June 2015. As part of the review, a delegation from the United Nations Office on Drugs and Crime (UNODC), Nigeria and Nicaragua carried out a country visit from 2 to 6 February 2015. The visit involved anti-corruption agencies, bodies responsible for the audit, control and inspection of public finances, and the criminal investigation police and judicial bodies.

Outcome of the review and challenges encountered

The peer review process carried out in the first review cycle made it possible to assess the progress made by the States parties under review in combating corruption and, in particular, in implementing chapter III, “Criminalization and law enforcement”, and chapter IV, “International cooperation”, of the United Nations Convention against Corruption. The Review Mechanism, as an ongoing and gradual intergovernmental

process, is a powerful tool for assessing the progress made by the countries under review in promoting and reviewing the implementation of the Convention.

In Madagascar, many of the recommendations made under the UNODC-led peer review process have resulted in reforms to improve and strengthen the country's anti-corruption system. In that respect, a new National Anti-Corruption Strategy was adopted for a 10-year period (2015–2025) and new legal and institutional frameworks were put in place.

In terms of the new legal framework, the country passed into law Act No. 2016-020 on the fight against corruption, which amended Act No. 2004-030, the first legislation on the fight against corruption; Act No. 2016-021 on anti-corruption centres; Act No. 2017-027 on international cooperation in criminal matters; Act No. 2018-043 on the fight against money-laundering and the financing of terrorism; and Ordinance No. 2019-015 on the recovery of illicit assets.

During the first review cycle, Madagascar did not encounter any specific challenges, owing to the fact that the review process was conducted on the basis of the terms of reference of the Review Mechanism and in accordance with the guidelines for governmental experts and the secretariat.

Nevertheless, it should be noted that despite the potential operational and managerial autonomy of the country's anti-corruption system compared with similar systems in francophone Africa, where the independence of anti-corruption institutions is almost non-existent, the delay in the adoption of the implementing legislation for the above-mentioned anti-corruption laws has had a significant impact on the implementation of the peer review recommendations that Madagascar should align itself with international standards and practices related to the Convention.

Standard review schedule

As previously mentioned, the review of the country's implementation of chapters III and IV of the Convention under the first review cycle was carried out from July 2013 to June 2015, that is, over the course of two years, and in accordance with paragraph 27 (a) and (b) of the terms of reference of the Review Mechanism.

A period of at least 18 months or so (from July 2013 to December 2014) was devoted to the desk review of the response to the comprehensive self-assessment checklist and the provision of any additional information to the UNODC secretariat and the reviewing countries.

Furthermore, the organization of direct dialogue between governmental experts through a country visit or a joint meeting with UNODC in Vienna required a preparatory period of at least six months in order to allow for the exchange of information and interaction with all national parties concerned.

Based on the experience gained during the first review cycle, and barring cases of force majeure or unforeseeable circumstances, such as COVID-19, a period of 24 to 36 months is more than sufficient to complete a review cycle on the basis of the terms of reference of the Review Mechanism and the guidelines for governmental experts and the secretariat.

Role of the secretariat

Madagascar is of the view that the role of the secretariat as defined in paragraph 49 of the terms of reference has been performed appropriately by UNODC. In this regard, Madagascar has benefited from technical and financial support from UNODC, particularly through participation by governmental experts in the various meetings of the Implementation Review Group or in training sessions for experts, and in the organization of the country visit.

Other relevant matters

Pursuant to paragraphs 40 and 41 of the above-mentioned terms of reference, at the end of the country review cycle, it is essential to follow up on the implementation of the recommendations made by the governmental experts of the reviewing countries through the Implementation Review Group, while complying with article 4, paragraph 1, of the Convention.

L. Mexico

In general, the Mechanism for the Review of Implementation of the United Nations Convention against Corruption functions well in that it is based on an impartial and transparent peer review process that helps States parties to implement effectively, and promote adherence to, the Convention and its principles, with the support of the organization and technical assistance in preventing and combating corruption.

(a) Good practices identified in the conduct of the reviews

With regard to the performance of the Review Mechanism, a good practice that emerged from the experience of Mexico as a country under review was the establishment by the Government of Mexico of a working group that brought together all the governmental institutions involved in preventing and combating corruption with a view to expediting communication between those agencies and coordinating more rapidly the country's responses to the review.

A further good practice worth highlighting is the decision by the Government of Mexico to participate, from the very start of the review process and during the country visit, in a working group together with specialized civil society organizations, the private sector and academia. This enriched the work carried out and, ultimately, the report itself.

(b) Training of governmental experts

We regard as extremely useful the continuous work carried out by the secretariat of the United Nations Office on Drugs and Crime (UNODC) in providing training and guidance for the governmental experts designated by Mexico through training courses dealing with the current review cycle, bearing in mind that some officials and experts may change posts in the course of a review cycle and that the new public servants appointed need to be trained so that they can discharge their duties adequately as reviewing experts and/or experts of a country under review.

In particular, we believe that the mock review exercise that is carried out during the training (covering all stages, from the desk review to the country visit and from that stage to the adoption of the final report) enables the experts to understand better the practical application of the terms of reference of the Review Mechanism. Moreover, this exercise offers an opportunity to address, in real time, any doubts and concerns that may arise with regard to the review process.

The theoretical part of the training is equally important, given that it enables the designated experts to identify those provisions of the Convention that, owing to their mandatory nature, may require greater attention during the review. However, this should not be taken to mean that the articles whose implementation is optional should be disregarded.

(c) Coordinating and agreeing on logistical aspects of the review

It is essential that representatives of the State under review, the reviewers and the secretariat hold meetings before the start of the review with the aim of discussing and agreeing on the logistical details of each stage of the review process, such as the working language and the review of which chapters is to be led by each reviewing State.

The clarification of such aspects before the start of the review process means that the reviewed and the reviewing States can focus their attention entirely on the substantive elements of that process and, in general, the review can proceed more smoothly.

Similarly, the holding of meetings before the review between the UNODC secretariat, on the one hand, and specialized civil society organizations, the private sector and academia, on the other, provides essential input for the review process and for the country report.

(d) Compilation of technical assistance needs

Technical assistance is a very important element of this Mechanism, since it is absent from other review mechanisms.

Through the self-assessment checklists for the first and second review cycles, although those checklists are in different formats, the country under review is asked to identify and report on not only the areas which could usefully be strengthened so as to improve implementation of the Convention, but also on the type of technical assistance that would be relevant to that end.

Besides being one of the subjects covered in the self-assessment checklists, this exercise has increased States' awareness of the legislative and law enforcement aspects that need to be enhanced in order to prevent and combat corruption-related offences as effectively as possible.

It is likewise noted that the information in question is carefully examined by the UNODC regional offices with a view to devising project proposals that specifically address those areas where room for improvement has been identified.

(e) Challenges identified in the conduct of the reviews

Delays in finalizing the reviews

The main challenge identified is the long intervals between one stage of the review process and the next, particularly the time taken between the end of the country visit and the preparation of the final country review report, both the full version and the executive summary.

In accordance with the review methodology, those reports should reflect the reviewers' conclusions regarding the information provided by the country under review before the country visit.

Nevertheless, it has been observed that the finalization of the reports – and even of the executive summaries – takes so long that by the time the reports are sent to the country under review for approval, adoption and, if appropriate, publication, the situation in that State may have changed so much since the country visit that some of the conclusions or recommendations from the report have become obsolete.

As a result, there is no up-to-date product at the end of the review process, a situation that in turn limits the report's usefulness to the State under review as a basis for measures to improve implementation of the Convention, and to other States as a reference document.

Suggestions

(a) Mechanism

Given that there are various mechanisms for monitoring and following up on the implementation of international anti-corruption standards – for example, the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption and the Working Group on Bribery in International Business Transactions of the Organisation for Economic Co-operation and Development (OECD) – the following actions could be considered with a view to preventing duplication of efforts and overlap in the thematic areas being reviewed.

Harmonizing the review criteria and recommendations with those of other mechanisms in order to optimize the use of resources:

- Paying attention to the topics covered and questionnaires used under the other mechanisms each time that a new questionnaire is developed at the start of a new review cycle – for example, by holding consultations with other organizations or by drawing on inputs from the States parties. The aim of this would be to make the best possible use of available resources, improve the development and dissemination of anti-corruption knowledge tools and identify any new areas of interest or emerging issues.
- Incorporating the findings from a review conducted under another mechanism and ensuring that these findings, subject to the consent of the countries under review, become part of the process. In this regard, the reviewers and the country under review could, where appropriate, agree to focus solely on the recommendations made under another mechanism in relation to certain topics. This applies only where the topics reviewed under one mechanism are similar to those dealt with under another, and where there is no long interval between the two reviews so that the responses provided under a given mechanism are not rendered obsolete as a result of the legislative and/or institutional framework having changed in the meantime.
- Synergies should continue to be promoted between the Convention and other instruments (such as the Inter-American Convention against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions) and forums (such as the Group of 20 Anti-Corruption Working Group and the Eighth Summit of the Americas, which dealt with corruption), as long as tasks are not duplicated but, rather, complementarity of efforts is fostered.
- During exchanges between the secretariat and the focal points who are responsible for following up on the review, those exchanges generally taking place by email, it is important that the electronic addresses of the missions accredited to the secretariat should always be included so that, in the event that officials move to a different post or their personal electronic addresses change, communications are not lost.
- Seeking to continue the feedback process and the assimilation of lessons learned as a country under review, the Government of Mexico is of the opinion that, considering its own country review report will be published two years after the country visit to Mexico City, such reports could incorporate specific notes provided by Governments and giving updated data and information on legislative developments and new institutional efforts related to implementation of the Convention. This would ensure that the document to be published reflects the current situation in the State concerned rather than only that of two years earlier.

(b) Technical assistance

With a view to maximizing the benefits of technical assistance, it is important not only to encourage States parties to provide information on their current technical assistance needs in relation to implementation of the Convention (including those needs identified through the review process) but also to consider the following actions:

- Following up on those needs in a timely and regular manner
- Ensuring updates after completion of the review
- Explaining the precise procedures for obtaining technical assistance

(c) Following up on implementation of the recommendations

- One way in which the Review Mechanism could be improved is by following up more systematically on each country's implementation of the recommendations.
- The secretariat could explore various options for ensuring such follow-up – for example, by compiling twice a year (and possibly also publishing on the UNODC website) information on the steps taken by each country to implement the recommendations from each review cycle (one cycle at a time), as long as that is feasible with respect to the budget allocated to the Mechanism.
- Furthermore, the meetings of the Implementation Review Group could be used as an opportunity for the States parties to present information on their implementation of the recommendations from both review cycles.

M. Morocco

In its resolution 4/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, the Conference endorsed the guidelines for governmental experts and the secretariat in the conduct of country reviews and the blueprint for country review reports as finalized by the Group at its first session. In its decision 5/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, the Conference decided that the Implementation Review Group should begin promptly to collect, with the support of the secretariat, and discuss relevant information to facilitate the assessment of performance in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle, and that the Group should include in its future sessions an agenda item allowing for the discussion of such information. The Conference also decided that the Group, in the collection of information, should take into account future requirements for follow-up in accordance with paragraphs 40 and 41 of the terms of reference.

Assessing the performance of the country review mechanism means working together to identify limitations and challenges and find solutions to move forward, but also to identify inspiring good practices to ensure the mechanism's sustainability, ensuring that States have the capacity to implement the recommendations made during the review.

1. Good practices and/or challenges identified in the conduct of the country reviews

The COVID-19 pandemic caused further delays in the process and led several countries to postpone country visits, which had an impact on the conduct of reviews and the meeting of deadlines. Morocco therefore proposes increasing the pace of implementation of the programming schedule, which has already been updated previously. Particular emphasis should be placed on the time allotted for the final response to the self-assessment checklist, for translation and for the work of experts.

Online working formats represented a crucial resource in terms of effective alternatives for overcoming difficulties related to the pandemic. However, a number of challenges related to virtual country visits were identified, such as:

- Technical limitations, the scope of participation of relevant representatives of the State party under review and the reviewing States parties and the overall quality of the discussion
- Those organizational challenges emerged in the context of virtual country visits, such as time management where significant time differences existed between the State party under review and the reviewing States parties, as well as the management of interpretation services for country visits held in more than one language

In addition, there is the problem posed by differences between the legal systems of the country under review and the reviewing countries. In order to address those issues, Morocco wishes to propose that the process for the drawing of lots be modified to enable the selection of States parties having similar or comparable legal systems in terms of general legal framework and also located in the same geographical area. This would help to expedite the review process as the participating experts would come from similar legal systems, and it would undoubtedly improve the quality of observations.

Other issues that have caused delays include:

- The translation of review reports and the related impact on the understanding of their content
- The process of following up on the implementation of recommendations made during the different review cycles

Lastly, and with a view to optimizing efforts, Morocco wishes to propose making use of reviews carried out by other regional groups (GRECO, OECD, etc.) and reviews carried out within the framework of other anti-corruption conventions (Arab, African Union, Inter-American and OECD conventions).

2. The Model Schedule for Country Reviews based on the terms of reference of the Review Mechanism and the guidelines for governmental experts and the secretariat

It would be desirable to consider additional ways of encouraging all States parties to redouble their efforts to prevent any further delays, which put at risk the good performance of the Mechanism and its completion in due time.

3. The role of the secretariat as set out in paragraph 49 of the terms of reference

- The Mechanism is an effective tool for improving governance and increasing national awareness of the importance of the Convention. However, that objective remains elusive in the absence of other factors to support interpretation of the vast amount of information and reports that are produced, coupled with a lack of the necessary capacity to transform the information and reports into projects for reform within countries. Therefore, it would be useful to allocate technical assistance to that area and to move towards a results-based approach. It would also be useful to effectively coordinate participation by States in order to avoid a State acting as both a reviewer and a reviewee in the same year and having an overly heavy workload.
- Morocco requests the secretariat to explore new strategies for moving forward with the country reviews, either through the provision of online training on the Mechanism for focal points and governmental experts, or through the strengthening of cooperation and information exchange, peer learning, capacity-building and constructive collaboration among stakeholders.
- Sustainability of the Review Mechanism: ensuring that States have the capacity to implement recommendations. Although reviewers are independent, individual contexts and the real capacity of the country under review to comply with recommendations must be taken into account.

4. Any other issues that the Government deems relevant

The provision of detailed guidelines in order to improve the quality of reports and strike a balance between reports that are overly detailed and difficult to use and summaries that do not allow for the necessary analysis, and the development of programmes that would enable optimum use of the information contained in the reports.

N. Myanmar

[Myanmar] would like to inform that the commission got assistances for our movement from the learning of the good practices of the Reviewing processes. And then, as the challenges identified, [Myanmar] can settle them with the technical assistance of UNODC and the States parties.

[Myanmar] noted that it may delay for publishing the Country Report due to the language differences between the countries.

[Myanmar] has no comment for the role of the secretariat as set out in paragraph 49 of the Terms of Reference.

O. Nicaragua

The State of Nicaragua reports that it has not had any problems in filling out the information in the established self-assessment forms. Likewise, our country expects that UNODC will send the report with the corresponding translations for our analysis within the agreed time (October 2021).

P. Niger

(a) Good practices and/or challenges identified in the conduct of the country reviews

The Government of the Niger is satisfied with the voluntary exchange of information on national measures taken during and after the country reviews, including strategies adopted, challenges encountered and best practices identified during the sessions of the Implementation Review Group. Some good practices, including the use of self-assessments, have been used by governmental experts in our country during both the first and the second review cycles. However, the Government notes that transmission of the results of the drawing of lots is quite often delayed, which encroaches on the time available to governmental experts for reviews and self-assessments. During the first review cycle, it was noted that the secretariat was slow in making available not only its own observations but also those of reviewing countries, a situation that affected the timing and proper conduct of the review of the Niger.

The Government of the Niger also notes that the review mechanism has enabled the country to make progress in legislative reform through a law of 2016 that introduced a number of measures, including in relation to the liability of foreign officials, the statute of limitations period for prosecution and penalties for corruption.

The Government of the Niger identified challenges during the review process, in particular, the lack of familiarity with the mechanism on the part of some governmental experts. It therefore wishes to request the secretariat to provide training to members of the group of governmental experts on the review mechanism and on the use of the omnibus software.

(b) The Model Schedule for Country Reviews based on the terms of reference of the Review Mechanism and the guidelines for governmental experts and the secretariat

The schedule represents an ideal scenario (six-month time frame) to be aimed for and expedites the review mechanism process. However, it should be noted that the expeditiousness of the review process depends not only on the countries under review and the reviewing countries but also on the importance attached to it by the secretariat's designated representative. The secretariat should therefore draw the attention of the States parties, by special email, to the fulfilment of their international commitment to supporting the implementation of the review process and incorporating the United Nations Convention against Corruption into their national

legislation. The secretariat should also do more to ensure that States parties comply with time frames, sending notes verbales as a reminder.

The Government of the Niger approves of the model schedule established in accordance with the terms of reference.

(c) The role of the secretariat as set out in paragraph 49 of the terms of reference

Paragraph 49 of the terms of reference sets out the role of the secretariat in a clear manner. The secretariat participates actively in the smooth conduct of the process and provides technical and even financial assistance to States that request such assistance. The Government of Niger greatly appreciates the assistance that the secretariat provides to the country, both in terms of financial support enabling it to participate in the sessions of the Implementation Review Group and the Conference of the States Parties and in terms of the review mechanism itself, including, most recently, the workshop for the preparation of replies to the self-assessment checklist, held in Niamey on 5 December 2019.

The Government of the Niger encourages the secretariat to provide States with regular updates regarding the performance of the review mechanism, in particular, the progress made in conducting reviews through relevant information gathered at the sessions of the Review Group, and to strengthen cooperation with the secretariats of other multilateral mechanisms.

Lastly, in view of the current lack of resources necessary for the proper functioning of the mechanism, the Government of the Niger encourages the secretariat to hold a donors' round table on the impact of the fight against corruption on our economies and the performance of the review mechanism.

Q. Norway

[Norway] appreciates the possibility to give [its] views on the Performance of the Implementation Review Mechanism (IRM) for UNCAC. [Norway's] comments are based on the experience during the first and second evaluation cycle. Overall impression is that the process as it is now is more comprehensive than is necessary.

The online self-assessment solution

An online-solution is supposedly an improvement compared to hardcopy documents, but not necessarily:

- When not everyone can make easy use of the solution due to chosen format and security, but needs to work on a different laptop to be capable of using the Omnibus programme, and thus have to transfer obtained information via memory stick.
- When the solution/Omnibus programme is neither “intelligent” nor easy to use.
- When laws referred to must be copy/pasted as a whole into the “document” making the document unnecessarily long, and thus making it difficult for the evaluator to have a clear view of the important parts of the document.
- When there is no easy system/solutions for uploading annexes.

The self-assessment itself

The self-assessment is too comprehensive.

- The checklist should concentrate on the “core issues” of UNCAC, and other additional questions should be addressed during the country visit/meeting in Vienna.
- The guidelines and methodology documents are somewhat too extensive, making the process of filling in the check list very time consuming. It would be

helpful if it was a clearer distinction between information that should be included and information that may be included.

- If the evaluators think that they lack important information after the self-assessment check list is filled out and provided, it could be an idea to seek this additional information in parallel with planning a country visit – again in order to save time.
- Our experience from other evaluations is that additional information is also most practically provided at the country visit, where the evaluators meet experts that will be able to elaborate further than what is possible in a written check list. This would also acknowledge that the focal point responsible for coordinating the process, is often dependent on a broad range of other experts that will need to be consulted whenever a follow-up question or request for additional information is being made.
- Statistics and numbers on staff etc. is also best provided at the country visit, especially if the process is delayed making originally provided numbers outdated.
- The checklist should be adjusted to the States parties – there is no one solution fit all (functional equivalence).
 - (I.e. Norway has a *whole of government approach* to combating corruption, and the self-assessment checklist does not take that into account.)
- There should, like in other United Nations State party reports, be set a word limit, so the Secretariat does not have to translate 100–500 page reports.

Our recommendations:

- (1) Make the online solution easier accessible and easier to use, or give the States parties the possibility of using a word document.
- (2) Shorten the checklist to the core issues of UNCAC and transfer other may/guidance questions to the country visit.

R. Panama

(a) Good practices and/or challenges identified in the conduct of the country reviews

We consider the review process to be highly dynamic, since there is a secretariat that facilitates the work of the experts designated by the countries concerned. In the case of Panama, we have initiated dialogue through the Ministry of Foreign Affairs with the aim of launching the review process. In this regard, we have not encountered any difficulties to date in setting about the task with which we have been entrusted.

It is important to highlight that, through resolution 8/2, the United Nations developed a set of guidelines and recommendations for improving the review process, indicating that that process can be conducted in a transparent manner and in accordance with resolution 3/1 of the Conference of the States Parties to the United Nations Convention against Corruption, all the operational details pertaining to the review and assessment process for each country thus being established.

(b) The Model Schedule for Country Reviews based on the Terms of Reference of the Review Mechanism and the Guidelines for governmental experts and the secretariat

We consider that the model schedule for country reviews enables the review process to be carried out in an optimal manner. In that respect, we reiterate that the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption not only lay down the guiding principles and

characteristics of the Mechanism but also set out in detail the entire procedure that should be followed in order for the review process to be conducted as efficiently as possible, thereby ensuring that the objectives and purposes set forth in the United Nations Convention against Corruption are fulfilled.

(c) The role of the secretariat as set out in paragraph 49 of the Terms of Reference

The secretariat of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption plays a leading role in that it offers technical support and serves as a point of liaison enabling the experts from each country to carry out their work in a transparent, well-organized and, above all, efficient manner.

In that respect, as set out in paragraph 22 of the terms of reference of the Review Mechanism, one of the secretariat's tasks is to develop a set of guidelines for governmental experts in the conduct of country reviews. Accordingly, the secretariat acts as a facilitator enabling both the governmental experts and the country under review to participate in the review process in a coordinated manner.

It is also important to highlight that, as set out in paragraph 35 of the terms of reference of the Review Mechanism, another of the secretariat's tasks is to compile information and identify successes, good practices and challenges that emerge during the review process.

(d) Any other issues that the Government deems relevant

We understand that the Implementation Review Mechanism is necessary because it makes it possible to determine how the various articles of the Convention are being implemented by countries. In this way, the reviewed country is able to identify its own strengths and weaknesses. Moreover, the review process allows both the reviewing country and the reviewed country to exchange views, concepts and ideas, thereby strengthening the international cooperation that is vital in order to prevent and, above all, combat corruption.

S. Peru

The agenda for the meeting of the initial introductory session and general orientation of the Model Calendar should address all the points of discussion between the evaluating countries, the evaluated country and the Secretariat, in order not to leave outstanding issues that require further communication. Likewise, the resultant document of the meeting must reflect all the points agreed upon and avoid that the countries involved have to address any possible omissions.

The suitability of the experts designated for the purposes of the examination process must be ensured (paragraph 21 of the Application Examination Mechanism), verifying that they have the appropriate profile for the chapters to be examined. Likewise, it is suggested to establish a maximum number of experts for each chapter of the UNCAC to be examined, rather than for the entire process.

Instead of joint meetings in Vienna, visits to the evaluated country should be prioritized to complement the documentary examination (number 29 of the Mechanism), and may be face-to-face or virtual. Likewise, it is suggested to include the collection of the opinions of the private sector and civil society through interviews to have a more complete perception of the problem.

The reports on the examinations should be public as a general rule, and their confidentiality should only be maintained when a State party so requests and with respect to some matters (unlike the provisions of paragraph 37 of the Mechanism). When a State considers a segment of the report to be very sensitive, for example, aspects related to investigation or judicial processes in progress, it may maintain its confidentiality only in that segment.

The Secretariat must keep updated the list of national organizations and/or dependencies that represent the States parties for the purposes of the examination mechanism, detailing the contact details (numeral 49 of the Examination Mechanism).

Taking into account that practice has led to the approval of the draft executive summary before the draft of the evaluation report, it is advisable to reverse this process. This would make the process an expressive summary of the second, avoiding omissions and discrepancies between the two documents.

T. Poland

It would be worth reconsideration whether the review phase should be actually composed of two review cycles. Bearing in mind amendments to national legislations which on regular basis take place in many countries that adhered to the UNCAC, as well as adoption of new pieces of legislation and organizational changes in the structure of law enforcement authorities or judiciary, there is a threat that findings of the reports adopted in two separate cycles are inconsistent with each other due to reference to different legal and institutional regimes.

Secondly, reviewing each State party twice within the period of one phase doubles the costs of assessment and organizational efforts taken on both sides. We are of the opinion that States parties would benefit from reviewing chapters II–V of the UNCAC within the time frame of one review cycle. Against the background of other reviews, conducted for example by the Council of Europe, the proposed streamlining of the UNCAC review schedule seems to be feasible.

Although Poland welcomes the non-intrusive and non-punitive nature of the review mechanism it seems that it lacks appropriate measures to urge States parties to rectify the shortcomings of their national systems identified by the experts and outlined in the observations for the implementation of the Convention included in country reports. The Conference through the Implementation Review Group, seems to be in position to elaborate and adopt appropriate procedures for the follow-up to the conclusions and observations emerging from the review process that would guarantee the effective implementation thereof.

U. Qatar

Introduction

Pursuant to:

- Resolution 3/1 of the Conference of the States Parties, hosted by the State of Qatar in 2009, which adopts the terms of reference of the Mechanism for the Review of the Implementation of the United Nations Convention against Corruption, the draft guidelines for governmental experts and the secretariat in the conduct of country reviews, and the draft blueprint for country review reports,
- Resolution 8/2, entitled “Celebrating the tenth anniversary of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, which states that “continuing the process of evaluation of the performance of the Implementation Review Mechanism before the completion of the second review cycle on the basis of the experiences gained in the first review cycle could significantly contribute to useful outcomes, and ... this process should be started without prejudice to any subsequent continuation of such work following the completion of the second review cycle, in accordance with decision 5/1 of 29 November 2013”,
- Resolution 8/2, paragraph 14, which “requests the Implementation Review Group to continue to collect, with the support of the secretariat, relevant information, including the views of States parties, pertaining to the performance

of the Implementation Review Mechanism, with a view to continuing, at the appropriate time, its assessment of the performance of the Mechanism, as provided for in paragraph 48 of its terms of reference and decision 5/1, and in this regard to continue to report to the Conference on progress made, bearing in mind the request in paragraph 5 of resolution 3/1 for the evaluation of the terms of reference at the conclusion of each review cycle”,

the Administrative Control and Transparency Authority of the State of Qatar would like to share with the secretariat the following information concerning the Implementation Review Mechanism:

- I. Good practices and challenges
- II. The model schedule for country reviews based on the terms of reference of the Mechanism and the guidelines for governmental experts and the secretariat
- III. The role of the secretariat as set out in paragraph 49 of the terms of reference

I. Good practices and challenges

Good practices

(a) The State of Qatar, as a State under review, took the following proactive steps to ensure completion of the comprehensive self-assessment checklist by the specified time:

1. Two years before the review date, it appointed 15 governmental experts for the purpose of the review process under paragraph 21 of the Mechanism.
2. It included two representatives of each relevant entity on the list of governmental experts to facilitate local communication.
3. Two years before the review date, in cooperation with the United Nations Office on Drugs and Crime, it provided specialized training to a group of governmental experts.
4. It began its self-assessment three years before the review date in its concern to study and fulfil as many of the key requirements as possible before the review date.
5. It finished preparing its responses to the comprehensive self-assessment checklist six months before the review date and continued to update its responses in the lead-up to the review.

(b) The State of Qatar, as a reviewing State in the review of the Republic of Mozambique and the Islamic Republic of Pakistan, observed the following good practices:

1. It made use of the list of governmental experts, which has long proven itself. This is the same list that was used to prepare the review of the State of Qatar. The experts on this list are fully competent in the review process, which facilitated the process and allowed for flexibility.
2. The articles of the Convention were divided among the governmental experts for review purposes according to each expert's expertise therein.
3. Each article was assigned to a primary reviewer and a secondary reviewer from among the governmental experts to corroborate the remarks made by the State of Qatar.

Challenges

The main challenges to the review process consist of the following:

1. Difficulty in using the Omnibus Survey Software for the desk review, particularly with respect to the Arabic language and the inability to add images or statistical figures.
2. Some States parties did not adhere to the review process schedule.
3. In the process of translating the report into other languages, some terms lost their correct meaning or were not translated, particularly abbreviations and statistics. The State of Qatar faced this problem in the translation into Arabic of the report concerning the Republic of Pakistan.
4. The technical assistance requests and needs of the States under review were unclear.

II. *The model schedule for country reviews based on the terms of reference of the Mechanism and the guidelines for governmental experts and the secretariat*

The model schedule for country reviews presented in the figure below is based on the terms of reference of the Review Mechanism.

[illustration omitted]

As a reviewing State or State under review, the State of Qatar found that the schedule should be reviewed and revised, as no review was completed within the set time, for various reasons. In particular, the time allocated for the governmental experts to formulate their remarks on the desk review was used for the translation process, leaving little time for the experts.

III. *The role of the secretariat as set out in paragraph 49 of the terms of reference of the Mechanism*

The State of Qatar is grateful for the major role played by the secretariat in the Implementation Review Mechanism and suggests that the secretariat:

1. Provide experts of the reviewing States with new international reports published by the relevant organizations to allow the experts to base their remarks on the latest information rather than on obsolete or unreliable reports.
2. Update the TRACK (Tools and Resources for Anti-Corruption Knowledge) website in a timely manner to include the laws which the States parties cite in their responses for the comprehensive self-assessment checklist. This will dispense with the need to attach multiple files to the checklist, which poses a burden for the governmental experts.

V. Republic of Moldova

(b) The Model Schedule for the Country Reviews

Pursuant to paragraph 25 of the ToR, the *review should ideally take no longer than six months*. Resulting from our experience, both as a State under review and a reviewing State, we can affirm that this time frame is insufficient for all the actors involved in this process (*focal points and relevant national authorities, Secretariat, governmental experts*). Considering the complexity of the review process (*particularly the second review cycle*) determined by the high volume of information to be gathered, systematized, translated (*sometimes in more than one language*) and analysed, the **schedule for the country reviews should be extended** (*based on the average time frame of the already conducted country reviews*), at least for the second review cycle (*which involves a higher volume of information compared to the first cycle*).

(c) The role of the Secretariat

We would like to express our appreciation and gratitude to the Secretariat for the support offered to us in our quality of a State under review and a reviewing State.

There is no doubt that the efficient functioning of the *Review Mechanism* is due to the support offered by the Secretariat and the professionalism of its representatives.

W. Russian Federation

The Prosecutor General's Office of the Russian Federation has been designated as the lead agency responsible for facilitating the participation of Russia in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.

In 2013, the first-cycle review of the implementation by the Russian Federation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention was completed. A report was prepared on the basis of the findings of the review and published on the official websites of the Prosecutor General's Office of the Russian Federation and the United Nations Office on Drugs and Crime (UNODC). The review was conducted by experts from Ukraine and Ecuador, the countries selected as a result of the drawing of lots.

A number of conclusions were drawn in the report with regard to the need for further enhancement of the country's legislation and law enforcement practice in order to improve the compliance of both with the Convention's provisions. Six recommendations were made and those recommendations have all been implemented.

To enable their implementation, the Prosecutor General of the Russian Federation issued Order No. 423 of 2 October 2013 entitled "Organization of work aimed at implementing the recommendations contained in the report on the Russian Federation prepared on the basis of the findings from the review of implementation by the Russian Federation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the United Nations Convention against Corruption". In October 2014, the report on the findings related to the implementation by Russia of those recommendations was presented at the resumed fifth session of the Implementation Review Group.

In December 2014, the Prosecutor General's Office, together with the relevant ministries and agencies, completed the execution of an inter-agency plan to implement the recommendations contained in the report on the Russian Federation, that plan having been prepared on the basis of the findings from the review of the country's implementation of chapters III and IV of the Convention and approved by Order No. 423 of the Prosecutor General. The review made it possible to identify shortcomings in national anti-corruption policies and to adopt legislative, institutional and practical measures aimed at enhancing those policies.

The Russian Federation has been actively participating in the second cycle of the Review Mechanism, which is devoted to chapters II (Preventive measures) and V (Asset recovery) of the Convention, since the launch of the cycle in 2016. As part of that cycle, lots were drawn among the States parties to the Convention, as a result of which the Republic of Albania and the Republic of Zimbabwe were selected as reviewing States vis-à-vis the Russian Federation.

A teleconference was held in May 2018 as part of the review process and the Russian Federation subsequently submitted its responses to the comprehensive self-assessment checklist to the secretariat as planned, namely in June 2018. A year later, the reviewing experts, having studied those responses, requested additional information, which was submitted to them likewise within one month. A draft executive summary of the report on the Russian Federation, containing preliminary recommendations, was received from the secretariat in due course, in April 2020, together with a request for additional clarifications regarding certain provisions of Russian legislation. This draft executive summary of the report was examined by the Prosecutor General's Office in coordination with 16 ministries and agencies. Summarized information and a statement of views on the preliminary

recommendations were submitted to the secretariat. The wording of the recommendations is currently being discussed.

Additionally, the Russian Federation and the State of Palestine are jointly reviewing the legislation of the Republic of Moldova. A teleconference took place on 10 November 2016 as part of that review. In February 2019, the responses of the Republic of Moldova to the comprehensive self-assessment checklist were submitted to the Russian experts for consideration. A month later, comments on those responses were submitted to the secretariat, together with proposals regarding further information to be provided, mainly in relation to the practical application of anti-corruption legislation. Preliminary recommendations were also drawn up. It may be noted, in that regard, that the competent authorities of the Russian Federation studied the progress made in incorporating both chapters of the Convention into Moldovan legislation. A draft report was examined in December 2020 and, as a result, additional comments and suggestions were addressed to the Moldovan authorities. A finalized report and executive summary are expected to be ready soon.

Moreover, the Russian Federation and the Republic of Rwanda have been selected as reviewing States vis-à-vis the Republic of Malawi. The review process is at an early stage. A teleconference was held on 15 March 2019. Responses to the checklist have not yet been submitted by Malawi.

Furthermore, at the initiative of Russia, from 2012 until the onset of the pandemic, training courses aimed at enhancing the performance of the Review Mechanism – conducted jointly with UNODC and hosted by the Prosecutor General's Office of the Russian Federation – were offered every year to contact persons and governmental experts from various countries around the world who were involved in the review process. The course participants were given the opportunity to exchange national practices in countering corruption and also the experience gained from States' participation in other review mechanisms. Governmental experts from more than 60 countries were trained. The training events were welcomed by national experts and UNODC.

With regard to the review process in general and the level of the secretariat's participation therein, attention is drawn to the following. The review process for Russia in the first cycle was one of the fastest and most thorough. The Prosecutor General's Office made every possible effort to adhere to the time frame established for the conduct of the review. This was also facilitated by the swift and efficient work of the secretariat, which provided the necessary assistance. Nevertheless, for reasons beyond the participants' control, it was not possible to meet the established six-month deadline – inter alia, because of the need to obtain and analyse a large volume of information, to have that information translated and to carry out a country visit.

Similar difficulties in the second review cycle have delayed the review process significantly and prevented its completion on time. For example, in the course of all three country reviews in which the Russian Federation is participating, problems have arisen with respect to the organization of videoconferences with the expert reviewers, frequently owing to the different time zones in which the countries are located and the experts' workload. Moreover, the translation and subsequent analysis of the review documents take up a considerable amount of time.

In the light of the above, it must be said that the prescribed time frame for the conduct of reviews is too short. For example, it may be necessary to obtain and collate relevant information from various agencies within the country both when preparing the responses to the self-assessment checklist and when working on the draft report, including when submitting additional information requested by the reviewing States. This concerns the second review cycle in particular, given that the cycle entails the compilation and analysis of information on a wide range of matters falling within the competence of various State agencies. In that respect, a period of 12 to 18 months for the conduct of the review would be more realistic, provided that the overall duration of the second review cycle (to be completed by June 2024) remains unaltered.

Furthermore, the review process in the second cycle is becoming intrusive. This is reflected, for example, in the content of the recommendations, which have become more rigid and prescriptive. In a number of cases, they duplicate or even contradict the recommendations issued under other review mechanisms, such as those of the Financial Action Task Force and the Group of States against Corruption. Moreover, we have noted cases where the secretariat has gone beyond the technical support tasks assigned to it in paragraph 49 of the terms of reference of the Review Mechanism.

X. Senegal

Good practices and/or challenges

The reviews of Senegal under the first and second cycles of chapters III (Criminalization and law enforcement) and chapter IV (International cooperation) and chapter II (Preventive measures) and chapter V (Asset recovery), respectively, did not reveal particular difficulties during the process. The mechanism is effective, transparent, efficient, non-intrusive and impartial. It allowed Senegal to better comply with the provisions of the Convention.

The Model Schedule for Country Reviews based on the Terms of Reference of the Review Mechanism and the Guidelines for governmental experts and the secretariat (annex)

No observations.

The role of the secretariat as set out in paragraph 49 of the Terms of Reference and any other issues that the Government deems relevant

In the framework of a good functioning of the Mechanism, the secretariat to the Conference, which serves as the secretariat to the Mechanism by undertaking all the tasks, is invited to pay particular attention to the requests for technical assistance identified by States parties. It should also increase the number of training sessions in order to assist States in the course of country reviews.

Y. United Arab Emirates

Outcomes of the Mechanism

During the first cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (hereinafter “the Mechanism”), the Portuguese Republic and the Republic of the Maldives reviewed the implementation of the provisions of chapters III (Criminalization and law enforcement) and chapter IV (International cooperation) of the Convention by the United Arab Emirates. The executive summary of the review was published and posted on the website of the United Nations Office on Drugs and Crime and distributed to participants at the resumed fourth session of the Implementation Review Group held in Panama City on 26 and 27 November 2013.

In the executive summary, the reviewing States parties noted the continuous and considerable efforts of the United Arab Emirates to harmonize its national legal system with the Convention. They found that the United Arab Emirates has put in place a comprehensive, well-articulated legal framework on international cooperation in criminal matters, which is efficiently implemented in conjunction with existing treaties or arrangements. The executive summary highlighted the good practices of the United Arab Emirates in implementing chapters III and IV of the Convention and identified and commented on challenges facing implementation of the Convention.

After the review of the United Arab Emirates was completed in November 2013 during the first cycle of the Mechanism, the review outcomes were submitted to the Government of the United Arab Emirates. The latter made legislative amendments to address the observations contained in the country review report. The amendments,

which harmonize the national legal system with the requirements of the Convention and streamline the anti-corruption legislative system and legal measures and procedures in the United Arab Emirates, are as follows:

- Amendments were made to the Federal Criminal Code under Federal Decree-Law No. 7 of 2016 Amending Certain Provisions of the Criminal Code promulgated by Federal Law No. 3 of 1987 and under Federal Decree-Law No. 24 of 2018. These amendments address the observations made in the executive summary on the implementation of articles 15, 16 and 18 and 21 of the Convention relating to bribery of national public officials, bribery of foreign public officials and officials of public international organizations, trading in influence, and bribery in the private sector respectively. The amendments strengthen the system for combating bribery crimes in the public and private sectors. They criminalize all forms of bribery of foreign public officials and officials of public international organizations, as well as bribery in the context of trading in influence.
- Federal Decree-Law No. 20 of 2018 on Combating Money-Laundering and the Financing of Terrorism and Cabinet Resolution No. 10 of 2019 on the implementing regulations for the aforesaid law were issued to strengthen the system for combating money-laundering crimes. A High Committee headed by His Highness the Minister for Foreign Affairs and International Cooperation was formed to supervise the national strategy for combating money-laundering and the financing of terrorism. An Executive Office for Combating Money Laundering and Terrorism Financing was also established to promote the adoption of measures to combat money-laundering crimes and to strengthen the system for combating financial crimes in the United Arab Emirates. These measures were taken in response to the observations in the executive summary concerning the implementation of article 23 of the Convention (Laundering of proceeds of crime).
- Federal Law No. 14 of 2020 (the Witness Protection Law) was issued to ensure the necessary protection and legal safeguards for reporting persons, witnesses, victims and the like. This law addresses the observations contained in the executive summary concerning the implementation of articles 32 and 33 of the Convention, which concern protection of witnesses, experts and victims and protection of reporting persons respectively.
- A federal decree-law was issued in 2021 on the accountability of ministers and senior officials of the United Arab Emirates for financial and administrative violations stemming from negligence, dereliction or breach of their mandated functions. The decree-law sets penalties, including removal from office, and empowers the Attorney General to prohibit travel and freeze funds, without prejudice to criminal and civil liability, with a view to strengthening the anti-corruption system in the United Arab Emirates.
- Cabinet Resolution No. 4 of 2019 and its amendments regulate procurement and warehouse management in the federal Government with a view to strengthening the government procurement system to ensure optimal governance and efficiency in the disbursement of public funds.

In addition to the foregoing, the United Arab Emirates has adopted a number of policies, regulations and guides on preventing and combating corruption in the federal Government to strengthen the national anti-corruption system in line with the Convention. In this regard, the State Audit Institution issued a Regulation on Combating Fraud and Corruption and Investigating Financial Violations under Decision No. 97 of 2016 of the President of the Institute. The Institute has also published a Manual of Key Practices in Combating Fraud in the Federal Government. A Guide to Combating Fraud in the Federal Government was issued under Cabinet Resolution No. 4/11f of 2018, and the Ministry of Finance issued a Unified Guide to Financial Procedures in the Federal Government.

The State Audit Institution of the United Arab Emirates has participated in review processes in the first and second cycles of the Mechanism in its capacity as the central authority for following up implementation of the Convention and the supreme audit institution in the United Arab Emirates. The Institute's participation has had a highly significant and beneficial impact on the review processes, especially regarding the review of chapter II of the Convention (Preventive measures). Moreover, it is in line with paragraph 4 of the Abu Dhabi declaration on enhancing collaboration between the supreme audit institutions and anti-corruption bodies to more effectively prevent and fight corruption, adopted under resolution 8/13 of the Conference of the States parties. We thus encourage the States parties to involve their supreme audit institutions in the review processes in which they participate and to enhance such institutions' participation in anti-corruption efforts, in line with the Abu Dhabi declaration.

Views on the performance of the Mechanism

It is worth noting that the United Arab Emirates participated during the first cycle of the Mechanism in three reviews (the maximum allowed) as a reviewing State party. It reviewed the Republic of Venezuela jointly with the Republic of Chile, the Republic of Yemen jointly with the Democratic Republic of Sao Tome and Principe, and the Principality of Liechtenstein jointly with the Dominion of Canada. During the second cycle, the United Arab Emirates has so far participated in the review of the Republic of Panama jointly with Jamaica. It is currently reviewing Brunei Darussalam jointly with the Marshall Islands and is itself under review by the State of Kuwait and the Republic of the Union of Myanmar.

The participation of the United Arab Emirates as a reviewing State party or State party under review has contributed to the effective implementation of the Convention and the exchange of experiences. It has provided opportunities to learn about the experiences and best legislative and practical practices of many States parties and has directly resulted in improvements in the legislative and legal system of the United Arab Emirates, as described above. The review process has also enhanced international cooperation with other States parties by harmonizing visions and concepts, thus facilitating the conclusion of bilateral and multilateral agreements and allowing for the accumulation of experience for dealing easily and quickly with current and future reviews in the second cycle of the Mechanism.

The United Arab Emirates appreciates the pivotal role played by the Conference secretariat during the review processes in which the United Arab Emirates has participated. This is especially so regarding coordination and cooperation between the reviewing States parties and the State party under review and regarding the provision of technical and material support, all of which has positively impacted the reviews, as reflected in the efficiency of the Mechanism's performance. The United Arab Emirates also appreciates the holding of training courses for governmental experts and focal points concerned with the Review Mechanism during the first and second cycles of the Mechanism.

The following is our summary and views of the challenges encountered during the review processes in which the United Arab Emirates has participated and how they have affected the performance of the Mechanism:

- Some of the reviews in which the United Arab Emirates participated faced challenges regarding the simultaneous interpretation of direct dialogue between the reviewing States parties and the State party under review during country visits in the first and second stages of the Mechanism. This may be attributed to the fact that the interpreters used during the country visit were not provided by the Conference secretariat, but rather by the State party under review. At times, this compromised communication between the parties participating in the country visit. We thus see a need to establish controls and rules for identifying and selecting interpreters for country visits, regardless of whether the

interpreters are appointed by the State under review or are selected in coordination with the Conference secretariat.

- The United Arab Emirates also experienced some difficulties in some of the review processes in which it participated as a reviewing State party, especially in accessing and viewing the sources of information that the States under review are supposed to provide to the reviewing States parties, namely legislation, regulations and rules relating to certain paragraphs of the Convention. The terms of reference and guidelines for governmental experts in the Mechanism explicitly permit reviewing States parties to request to examine any legislation and regulations which they deem necessary and related to the implementation of the Convention, particularly the chapters under review. States parties under review should thus be encouraged to cooperate with the reviewing States parties and provide them with such legislation, regulations and rules upon request, in accordance with their domestic laws. Representatives of the Conference secretariat who are involved in the review process should also exercise their role in this regard in a more efficient and effective manner.
- During the review that the United Arab Emirates underwent during the first and second review cycles, particularly during the desk review and after the United Arab Emirates responded to the comprehensive self-assessment checklist, some reviewing States parties requested general information on the implementation of provisions and paragraphs of the Convention without specifying the type and nature of the information required. Such lack of specification could result in overlap between responses to requests for general information and responses regarding other provisions of the chapters under review, which could delay the completion of the desk review. We thus see a need to stress adherence to the terms of reference of the Mechanism and the guidelines for governmental experts issued by the United Nations Office on Drugs and Crime in this regard. The information, data and clarifications required should be clearly and explicitly specified so as to preclude more than one interpretation of the requests made by the reviewing States parties.
- The last review stage is the preparation of the country review report and executive summary concerning the State party under review. According to the Mechanism and its guidelines for governmental experts, the report is supposed to identify successes, good practices and challenges as well as make observations and, where appropriate, identify technical assistance needs. However, it was noted during review processes in which the United Arab Emirates participated as a reviewing State party that some States under review conflated this stage with other stages. In particular, the States under review provided the reviewing States parties with new legislative provisions and information for the first time during the last stage rather than during the stages provided for this purpose, namely the stages of responding to the comprehensive self-assessment checklist, desk review, country visit or joint meeting. This delayed the adoption of review reports and executive summaries. States parties under review should therefore be urged to observe the review stages in future.
- The Mechanism and its terms of reference and guidelines for governmental experts, despite being clear for the most part, were not taken into account in some of the review processes in which the United Arab Emirates participated. The reviewing States parties and States parties under review should therefore be encouraged to adhere to the terms of reference of the Mechanism in current and future review processes, all in coordination with the Conference secretariat.
- Resolution 3/1 of the Conference resolves that each review phase shall be composed of two review cycles of five years each. However, the completion of the review processes by some reviewing States parties during the first cycle of the Mechanism was delayed. This in turn delayed the start and completion of the second cycle of the Mechanism, resulting in the extension of the second

cycle until 2024. It is thus necessary to adhere as much as possible to the time periods established for the cycles of the Mechanism.

- In addition to the foregoing, it was noted that some reviews were not completed within the ideal period stated in the terms of reference, which is six months from notification of the Conference secretariat of the start of the review. This period was not observed in most of the reviews in which the United Arab Emirates participated. Common causes of delay included: the failure of the reviewing States parties to name focal points within three weeks from notification of the start of the review; the failure of States under review to submit responses to the self-assessment checklist within two months from the start of the review; and long waits to receive translations of review documents. The delayed submission of additional information for the desk review is one of the reasons for the delay in the completion of reviews during the first and second cycles of the Mechanism. The delayed submission of responses regarding the comprehensive self-assessment checklist is perhaps the direct cause for the delay in the completion of many reviews.

Most of the review processes in which the United Arab Emirates participated exceeded the deadlines set forth for them in the terms of reference of the Mechanism. States parties should therefore be urged to adhere to the Mechanism and its terms of reference and guidelines for governmental experts in this regard.

- The COVID-19 pandemic has significantly impeded the optimal, efficient conduct of review processes during the second cycle of the Mechanism. We urge States parties to use information and communication technology during the review stages wherever possible, especially during crises and disasters, based on the relevant resolutions of the Conference, namely paragraph 11 of resolution 8/13 (Abu Dhabi declaration on enhancing collaboration between the supreme audit institutions and anti-corruption bodies to more effectively prevent and fight corruption) and resolution 6/7 (Promoting the use of information and communications technologies for the implementation of the United Nations Convention against Corruption). The use of such technology will facilitate the efficient implementation of the Convention and the memorandum of understanding concluded between the United Nations Office on Drugs and Crime and the International Organization of Supreme Audit Institutions in 2019. It will also facilitate the exchange of experiences and expertise in this regard.
- With reference to the performance of the Mechanism and its impact on the enforcement of the provisions of the Convention at the national level of the States parties in a more efficient and effective manner, it may be appropriate to consider the development of mechanisms for determining the extent to which States parties adhere to the provisions of the Convention and are committed to addressing observations contained in the review reports pertaining to them, without conflicting with their domestic laws and the guiding principles for the implementation of the Mechanism, especially paragraph II.3.b, which states, “The Mechanism shall... (b) Not produce any form of ranking”.

Z. United States of America

CONTEXT

In 2019, the 8th Conference of the States Parties (COSP) to the United Nations Convention against Corruption (UNCAC) requested its Implementation Review Group to continue to collect, with the support of the secretariat, relevant information, including the views of States parties, pertaining to the performance of the Implementation Review Mechanism (CU 2021 299A). The UNCAC COSP secretariat has invited the United States and other governments to submit its views, if any, on the performance of the Implementation Review Mechanism, in particular on the conduct

of country reviews, the outcomes of country review processes and follow-up procedures.

In its response, the Government may wish to provide its views on:

- (a) Good practices and/or challenges identified in the conduct of the country reviews;
- (b) The Model Schedule for Country Reviews based on the Terms of Reference of the Review Mechanism and the Guidelines for governmental experts and the secretariat (annex);
- (c) The role of the secretariat as set out in paragraph 49 of the Terms of Reference; and
- (d) Any other issues that the Government deems relevant.

U.S. VIEWS

Good practices and/or challenges identified in the conduct of the country reviews:

- The United States values the use of a site visit (either virtual or in-person) following the completion of a self-assessment checklist to ensure reviewers can meet with relevant stakeholders. Any site visit should properly identify relevant stakeholders well in advance and ensure they can participate to the extent possible. Site visits allow review teams to develop a more robust understanding of challenges, as well as best practices, of the country under review. For example, the OECD Working Group on Bribery employs what the United States considers a best practice. Namely, it works with the country under review to set up panels with law enforcement, judges, and other government agencies to discuss investigations and prosecutions in the country, as well as particular legal interpretations or relevant case law. There are also panels arranged with the private sector, NGOs, academics, and other civil society groups to understand the particular challenges that a country faces in implementation. This balances both the interest of keeping intergovernmental discussions non-public, while also providing transparency and a robust understanding of the country under review's laws and implementing framework.
- A vast number of States parties recognize, on some level, that civil society input can be helpful in promoting implementation of the UNCAC – this is evident by the high number of governments that have engaged with civil society during their peer reviews. The United States promotes a transparent multi-stakeholder consultation process for country reviews and the Implementation Review Group. The review mechanism's lack of transparency and other limitations that prevent the IRG from exchanging information with civil society deprive the States parties participating in the review mechanism of vital information concerning the implementation of the Convention by other parties, in addition to information concerning technical assistance capabilities or ongoing efforts by civil society in this regard. As long as these limitations remain, particularly concerning those States that do not make their reviews publicly available, the review mechanism will not be able to conduct a candid and thorough assessment of State party efforts to implement the Convention. Lack of transparency can give officials considerable latitude in drafting their country review, thus rendering the UNCAC review process an ineffective tool. In this regard, the United States considers the UNCAC Coalition's Transparency Pledge a best practice and encourages States parties to sign on to it.
- That said, we recognize that some conversations are sensitive and need to remain intergovernmental in nature. We can find a way to respect the balance between privacy to allow governments to speak in confidence, and transparency that makes our work dynamic and impactful.

- The United States has benefited from the ability to draw on our responses to other review bodies when completing our self-assessment checklist for the UNCAC.
- Country review reports can provide valuable information for assistance efforts; countries should share review reports with in-country implementers.

The Model Schedule for Country Reviews based on the Terms of Reference of the Review Mechanism and the Guidelines for governmental experts and the secretariat (annex):

- The United States supports the current timeline for the second cycle of the UNCAC's review mechanism to be completed June 2024.
- The Review Mechanisms should consider establishing a criteria or threshold to consider a review cycle closed. We suggest looking to the UNTOC review mechanism as a model for setting such a criteria. The UNTOC review mechanism sets a 70 per cent criteria for considering a round of review complete. This ensures review cycles are not negatively impacted by a few States parties that are unable or unwilling to complete their reviews.

The role of the secretariat as set out in paragraph 49 of the Terms of Reference:

- UNODC technical assistance activities should continue to be funded from voluntary contributions. While we do not dispute that the identification of technical assistance needs is an important output of the review mechanism, we should not equate this with the delivery of actual technical assistance.

Any other issues that the Government deems relevant:

- The United States recommends the exploration of an UNCAC implementation tracker to monitor and provide transparency to UNCAC signatories' implementation of Convention obligations. Other anti-corruption monitoring groups (e.g. OECD Working Group on Bribery and FATF) are developing monitoring dashboards, which can promote public confidence and transparency to Convention implementation by signatories. This implementation tracker would feature quantitative data on Member State compliance with UNCAC chapters. The secretariat could code this data using information from the first and second cycle of country reviews. A UNCAC tracker should be mandatory for all countries, not voluntary, in order to promote compliance with UNCAC obligations.
- We suggest that the COSP consider developing a follow-up mechanism to evaluate progress made by UNCAC signatories on previous recommendations in their country reviews. Since the first two rounds of the UNCAC implementation review mechanism arguably focused on areas of significance to implementing UNCAC, a follow-up mechanism would promote more consistent implementation of the Convention by focusing on areas of non-compliance or areas needing further implementation. For example, the OECD Working Group on Bribery successive phases of evaluation reviews follow-up on any unimplemented Recommendations, in addition to new areas, to ensure full implementation by signatories. The evaluations also have regular follow-ups scheduled, either oral or written, during the two years following evaluation. If a country continuously fails to adequately implement the Convention, additional follow-up and ad hoc procedures are available to the Working Group on Bribery to address any significant legal, institutional, or procedural deficiencies in implementation. This process has been effective in promoting compliance, creating transparency about State performance, promoting learning about how to fight foreign bribery effectively, and mobilizing pressure. We also think a follow-up mechanism would require fewer resources than a third review cycle.