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Review of Implementation of the United Nations
Convention against Corruption

**First cycle of the Mechanism of Review of the
Implementation of the Convention against Corruption:
Good practices and experiences of, and relevant measures
taken after the completion of the country reviews, including
information related to technical assistance**

Note prepared by the Secretariat

I. Introduction

1. During the fifth session of the Conference of the States Parties to the United Nations Convention against Corruption (the Conference), the Secretariat presented a note entitled “Translating commitment into results: the impact of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption” (CAC/COSP/2013/14). During the same session, in its decision 5/1, the Conference decided that the Implementation Review Group (the Group) should begin promptly to collect, with the support of the Secretariat, and discuss relevant information in order to facilitate the assessment of performance of the Mechanism. The Conference also decided that the Group should include in its future sessions an agenda item allowing for the discussion of such information.
2. In its resolution 6/1, the Conference encouraged States parties to continue voluntarily sharing information on good practices, experiences and relevant measures taken after the completion of their reviews, including information related to technical assistance, and to consider providing such information to the Secretariat for publication on its website.
3. In reviewing measures taken by States parties to the Convention, the Secretariat prepared three analytical notes.¹ The analysis was based on information provided by States parties, as well as information contained in statements made by States parties during their interventions at the seventh, the resumed seventh and the eighth sessions of the Implementation Review Group. The last analysis (CAC/COSP/2017/12) was

* CAC/COSP/IRG/2018/1/Add.2.

¹ Carrying symbols CAC/COSP/2015/6, CAC/COSP/IRG/2016/12 and CAC/COSP/2017/12.



presented to the Seventh session of the Conference of the States parties in November 2017 containing information from 95 States parties.²

4. In line with resolution 6/1, the present note seeks to provide a further account of good practices, experiences and measures taken by States parties after the completion of their reviews. The present note was prepared to update the previous information which was presented to the Conference at its seventh session in November 2017, as well as to incorporate information on concrete efforts made by States and regional and international organizations to address some of the findings of the reviews and technical assistance needs.

II. Exceeding expectations

5. When the Implementation Review Mechanism (the Mechanism) was launched, it was difficult, to foresee how this new, unique global peer review mechanism would influence States parties' anti-corruption efforts and have an impact on the effective implementation of the Convention. At that time, certain statistical assumptions formed the basis for the work of the Mechanism during the first cycle. This concerned a range of issues, including the increase in the number of States parties, States wishing to welcome country visits as part of their reviews, as well as their desire to participate in training courses offered for the conduct of reviews. Similarly, from a substantive perspective, the impact the Mechanism would have on domestic, regional and international anti-corruption efforts was not clear. It is now safe to state that in every aspect, the impact of the Mechanism has exceeded expectations.

6. To provide a few concrete examples of the Mechanism exceeding expectations: In 2009, the assumption was that 160 States would become party to the Convention during the duration of the first cycle. The Convention to date has reached a membership of 186 parties. Expectations in 2009 were that 50 per cent of countries would opt for a country visit as a further means of direct dialogue. This expectation has been exceeded by far with 91 per cent of countries welcoming a country visit and another 8 per cent opting for a joint meeting, the latter being chosen mostly for reasons of security. Another area where the Mechanism by far exceeded expectations has been the training of governmental experts and focal points. At the outset it was anticipated that for the duration of the first cycle a total of 160 governmental experts and focal points would be trained. However, due to the interest received for this training, a global pool of 1,800 anti-corruption practitioners has been created through the training courses organized and carried out by the Secretariat on the Convention and the Implementation Review Mechanism. The Mechanism thus has created a global community of practitioners in the prevention and control of corruption which continues to grow.

7. Improved coordination and cooperation were other areas where the Mechanism has shown concrete results in many States parties. The role of the reviews in improving institutional structures and cooperation at the national level has been highlighted, as has been the positive impact of the reviews on strengthening

² Afghanistan, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Benin, Botswana, Burkina Faso, Brazil, Brunei Darussalam, Cambodia, Cameroon, Central African Republic, Chile, Colombia, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Guinea Bissau, Honduras, Hungary, Indonesia, Iran, Iraq, Israel, Italy, Kenya, Kiribati, Kuwait, Liberia, Liechtenstein, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Micronesia (Federal States of), Montenegro, Morocco, Namibia, Nauru, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Russian Federation, Sao Tome and Principe, Saudi Arabia, Senegal, Slovakia, Solomon Islands, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Tanzania, Thailand, Togo, United Arab Emirates, Uganda, United Kingdom of Great Britain and Northern Ireland and United States of America, Vanuatu, Venezuela, Zambia and Zimbabwe.

international cooperation capacities, both at the domestic level and vis-à-vis other States parties.

8. The Mechanism established in many areas benchmarks against which anti-corruption progress can be measured. Based on information collected in 2017, 74 per cent of States parties found that the peer reviews had helped identify gaps and shortcomings in their domestic frameworks and systems for fighting corruption and had an overall positive impact on their national efforts to fight corruption.

9. In terms of the Mechanism's role in triggering concrete anti-corruption measures, as previously reported, 86 per cent of States parties have carried out reforms to bring their legislation in line with the requirements of the Convention under chapters III and IV. Fifty-eight per cent of States reported taking measures related to chapters II and V, either as a direct outcome of the first or in preparation of the second Implementation Review cycle.

10. The Secretariat will continue to gather information from States on a voluntary basis on measures taken after the completion of the reviews, to provide a more comprehensive analysis of this information for the next session of the Conference of the States parties.

11. In the meantime, the following are examples of measures taken by States, as well as international and regional organizations in areas which were identified as priority areas in the reviews based on the number of recommendations made and technical assistance needs identified.

III. The Mechanism as a trigger for change: Measures taken as an outcome of the reviews

12. As described in the three previous analytical notes prepared by the Secretariat, the country reviews have triggered legislative and/or institutional amendments in a high number of States with the aim of fully implementing the Convention and addressing implementation gaps identified in the course of the reviews.

13. Based on information provided by States on measures taken after the completion of their first cycle reviews in response to gaps identified in fully implementing Chapters III and IV of the Convention, the protection of witnesses and reporting persons, the financial investigative capacities of domestic authorities and international cooperation stand out as areas where efforts have been undertaken to address a high number of identified implementation gaps following the reviews.

14. The articles on witness protection and the protection of reporting persons (arts. 32, 33 and 37) featured high among the articles for which recommendations were issued in the first review cycle. While most States' legislation contained some general provisions for witness protection in their criminal law, gaps in the implementation of provisions for the protection of reporting persons were more prevalent. At the same time, States indicated needs for technical assistance in fully implementing these provisions. Through the reviews and follow-up assistance, it also became clear that States did not always clearly differentiate between witness protection and the protection of reporting persons.

15. In the responses received by States parties on measures taken after the completion of the reviews, many States reported on having addressed these gaps through new or amended regulations and laws to enhance reporting, to protect reporting persons, as well as through establishing new institutions mandated to implement these measures.

16. Several States outlined how a number of measures had been taken as a consequence of their reviews, including directly linking legislative amendments to the recommendations received through the review. One State outlined how, subsequent to the conclusion of the review, the Ministry of Justice had established an inter-institutional working group tasked with mapping legislation and practices

related to whistleblowing, identifying potential problems and proposing ways forward. A couple of States reported on measures taken in relation to the protection of reporting persons which were implemented together with measures introducing the liability of legal persons. In this context, a number of States also reported on creating obligations for the private sector to establish systems that allow for the reporting of wrongdoing and the protection of reporting persons.

17. In response to these gaps and technical assistance needs identified by States parties, UNODC started collecting information, organized expert meetings, and in 2015 published the “*Resource Guide on Good Practices in the Protection of Reporting Persons*” providing States with guidance on establishing effective and robust legal and institutional mechanisms for assisting and protecting reporting persons.

18. At the same time UNODC received many requests for training and technical assistance in this area and responded, inter alia, by organizing five regional workshops reaching representatives from 50 States. In September 2016, UNODC was able to assist the Network of Anti-Corruption Institutions in West Africa’s³ (NACIWA) three-day regional workshop, thereby providing an opportunity to share national experiences and best practices and develop guiding principles for whistleblower and witness protection. Furthermore, the twelve States represented also reviewed the regional ECOWAS Strategy on Whistleblower protection and identified national priority actions and follow-up activities.⁴

19. More recently, whistleblower protection has been identified as a priority area also by States parties in Eastern Africa where the early recognition of the common challenges faced among several of the members of the Eastern African Association of Anti-Corruption Authorities⁵ (EAAACA) provided the opportunity to harness a regional approach for enhancing their implementation of the Convention. More in-depth work in Eastern Africa in this area is planned.

20. The impact of the reviews has also been witnessed outside of the immediate realm of the implementation of the Convention. ECOSOC resolution [E/RES/2018/12], adopted on 20 July 2018 in its paragraph 27 “*encourages governments at all levels to adopt and enforce comprehensive legislation on whistleblower protection that takes a broad approach to the protection of reporting persons, and to strengthen efforts to put whistle-blower protection into practice through, inter alia, public education, as well as standardized procedures and guidance, building on the findings of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and the exchange of good practices in corruption prevention, including on whistle-blowing systems and procedures*”.

21. The strengthening of the financial investigative capacities of the various national specialized authorities was another area where, due to the challenges identified in the reviews, a large number of technical assistance needs were noted. These challenges were often cross-cutting and had an impact on the implementation of articles 23, 31, 36 and 38.

22. When reporting on measures taken after the review, States indicated that they had addressed these recommendations through inter-institutional cooperation. Such efforts included joint training sessions for the investigative staff of different institutions. For instance, one State mentioned joint training of the staff of the Anti-Corruption agency and the Financial Intelligence Unit (FIU), where another State established a coordinating body among the Financial Crime and Anti-corruption prosecutors, the Financial Police Divisions and the Tax Administration’s investigative

³ https://www.unodc.org/documents/westandcentralafrica//Sept2016_Monrovia_wistleblowers/Monrovia_Statement_on_Whistle-Blower_and_Witness_Protection_-_EN_-_21_09_2016.pdf.

⁴ https://www.unodc.org/documents/westandcentralafrica//Sept2016_Monrovia_wistleblowers/Annex_-_Priority_actions_and_recommendations_by_country_-_EN.pdf.

⁵ The EAAACA is recognized as a subsidiary organ of the East African Community (EAC) and comprises five of the EAC Member States (Burundi, Kenya, Rwanda, Tanzania and Uganda) together with Observer States Djibouti, Ethiopia and South Sudan.

unit. The latter State noted that specialized training and educational programmes had been established for State Inspectors and Auditors.

23. Several States mentioned how efforts to enhance their investigative skills and national systems had also been directly linked to international investigations and cooperation efforts. One State noted that by broadening the powers of the FIU to request additional information from reporting entities it had also ensured that such powers could be equally applied when requests from foreign FIUs were received. Another State had highlighted how, in order to boost its capacity to investigate international corruption cases, a new central bribery and corruption unit had been established within its National Crime Agency to bring together resources from within the Agency as well as other authorities. One State, however, reported that it was still unable to ensure systematic access to the indictments and judgments resulting from its investigations.

24. As mentioned above, in Eastern Africa, early recognition of the common challenges faced among several of the members of the Eastern African Association of Anti-Corruption Authorities provided the opportunity to address priority needs at the regional level. The majority of EAAACA Members had received recommendations to strengthen the capacities of their specialized authorities, including the conduct of complex financial investigations and had identified technical assistance needs in this regard.

25. UNODC supported the creation of a regional platform for the EAAACA members with the aim to build and foster partnerships and fast track the implementation of the Convention. In February 2017, the first phase of the project saw the organization of a regional workshop for the EAAACA members based on the outcomes of their first cycle reviews. After discussions around common themes and challenges, the participants adopted an outcome statement reaffirming their States' commitment to implement the recommendations emanating from their implementation reviews, including in the area of financial investigations. The work on the financial investigation aspect of this regional platform was ongoing at the time of the drafting of this report and will focus on capacity-building for operating procedures required to underpin investigations, which required longer-term implementation planning.

26. A similar platform was created for the benefit of States in South and South-East Asia but with the focus on anti-money laundering measures, an area where the majority of States in that region had identified technical assistance needs and received recommendations in relation to article 23. Subsequently, UNODC conducted six capacity assessments of the national investigative authorities or authorities with an anti-corruption mandate in the two regions. Building on these findings, States were grouped according to their existing capacities and needs in order to be provided tailored and appropriate assistance through six regional workshops covering ten States. The workshops cover issues such as international corruption investigations, international cooperation in financial investigations, money-laundering and recovery of assets for law enforcement, prosecutors and financial intelligence units. The first workshops were held in October 2017.

27. The articles of the Convention's Chapter IV on international cooperation consistently had the largest number of recommendations and technical assistance needs identified throughout the first cycle.

28. Many States reported on the adoption of international cooperation laws while others noted that they had incorporated provisions on international cooperation in other laws, such as a civil procedure code or anti-money laundering legislation. Some States highlighted how they had continued to conclude bilateral agreements in order to address recommendations received during the country reviews. Other States noted that they had subscribed to a number of regional agreements so as to expand their international cooperation capabilities. Following recommendations received to consider adopting detailed specific legislation on international cooperation, one State

noted that such consideration had led to the State not deeming it necessary to adopt such legislation and instead giving preference to applying the Convention directly.

29. As was the case in the area of criminalization and law enforcement, the prevalence of common challenges and technical assistance needs resulted in a range of regional initiatives so as to respond to these needs. In June 2018, a course was organized by Singapore's Corrupt Practices Investigation Bureau which hosted some 30 anti-corruption officials and investigators from the Asia-Pacific Region. The aim of the course was to enhance the capacity of investigators and prosecutors that handle financial crimes and corruption cases with tools for better planning and monitoring. The lectures, debates and practical exercises covered a variety of subjects, including challenges in investigating and prosecuting corruption in the Asia-Pacific region as highlighted by the outcomes of the country reviews.

30. Another example from the same region concerns the work of the Asia-Pacific Economic Cooperation (APEC). In its "Handbook and Best Practices in Investigating and Prosecuting Corruption"⁶ the Convention is cited as a legal basis for mutual legal assistance for most APEC Economies.⁷ In March 2018, based on the discussion at the APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET), a regional workshop on asset recovery and money-laundering was organized by UNODC in cooperation with APEC, China and Thailand. The workshop focused on technical issues in the key aspects of asset recovery, from tracing, freezing, seizure and confiscation to return among APEC economies.⁸

IV. Conclusions

31. The present note has sought to showcase the momentum created by the work of the Mechanism for domestic change and for soliciting regional and international responses based on some examples of priority areas identified through the reviews of the first cycle. The Implementation Review Mechanism has had an unquestionable impact on the fight against corruption at the domestic, regional as well as international level. The examples provided have also shown how the Convention is living up to expectations of the international community to effectively prevent and control corruption, while recognizing that each State party must determine its own way of enhancing the implementation of its obligations. The peer learning element has on several occasions been hailed as one of the greatest and most appreciated dimensions of the Mechanism and the wealth of information it has generated has come to reinforce it. The impact of this non-confrontational, inclusive and consensus-based Review Mechanism owes a great deal to the goodwill and determination of Governments, to continue to invest in tackling corruption at all levels.

32. As mentioned above, the Secretariat will continue to gather information from States on a voluntary basis on measures taken after the completion of the reviews, to provide a more comprehensive analysis of this information for the next session of the Conference of the States Parties.

⁶ https://www.apec.org/-/media/APEC/Publications/2015/10/Best-Practices-in-Investigating-and-Prosecuting-Corruption/APEC-Handbook-Final-September-2015_ed2.pdf.

⁷ *Ibid.*, p. 169.

⁸ A full account can be found in the Conference room paper CAC/COSP/WG.2/2018/CRP.3 <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/2018-June-6-7/V1803850e.pdf>.