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to the United Nations
Convention against Corruption**

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Technical assistance

**Analysis of technical assistance needs emerging from the
country reviews**

Note by the Secretariat

Summary

The present note contains information on the technical assistance needs identified by States Parties in the context of country review processes on the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the United Nations Convention against Corruption.

* CAC/COSP/IRG/2013/1.



I. Introduction, scope and structure of the report

1. In its resolution 3/1, the Conference of the States Parties to the United Nations Convention against Corruption adopted the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (contained in the annex to that resolution). The Conference also decided that the Implementation Review Group should be in charge of following up and continuing the work of the Open-ended Intergovernmental Working Group on Technical Assistance. Pursuant to paragraph 11 of the terms of reference, one of the goals of the Review Mechanism is to help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance. The Implementation Review Group is to consider technical assistance requirements in order to ensure effective implementation of the Convention, in accordance with paragraph 44 of the terms of reference.

2. In its resolution 4/1, the Conference recommended that all States parties, where applicable, in their responses to the comprehensive self-assessment checklists and in the country reports, identify technical assistance requirements, preferably prioritized and related to the implementation of the provisions and that the Group should consider, on the basis of the outcome of the review process and consistent with the terms of reference of the Mechanism, priority areas for the provision of technical assistance, as well as consolidated information on trends in technical assistance required and provided.

3. The present note contains information on technical assistance needs identified in the country reviews for the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the United Nations Convention against Corruption by States parties under review in the first and second years of the first cycle of the Review Mechanism. It is based on information included in the country review reports and executive summaries of 34 States parties that had been completed, or were close to completion, at the time of drafting.¹

4. Of the 34 States parties included in this report, 20 identified technical assistance needs for the implementation of chapter III of the Convention. These included five States parties from the Group of African States, nine from the Group of Asian and Pacific States, four from the Group of Eastern European States, and two from the Group of Latin American and Caribbean States. Sixteen States parties identified technical assistance needs for the implementation of chapter IV of the Convention. These included eight States parties from the Group of Asian and Pacific States, five from the Group of Eastern European States, and three from the Group of African States.

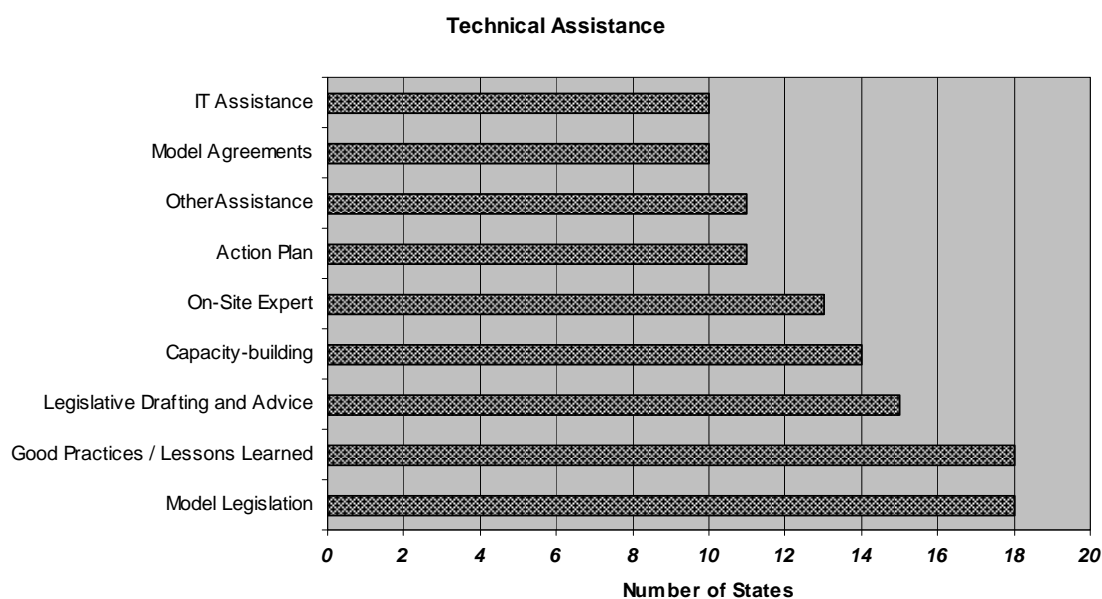
5. The comprehensive self-assessment checklist contains several predetermined categories of technical assistance needs. These are: legislative drafting and legal advice; model legislation; the development of an implementation action plan; a summary of good practices or lessons learned; model treaties or agreements; capacity-building programmes; assistance by an on-site expert; technological assistance; and a “catch-all” category for other assistance. Many of the needs identified during the country review processes have fallen within these broad

¹ The present data are based on country reviews as at 4 March 2013.

categories, but it should be noted that broader needs were additionally reflected in country review reports and executive summaries.

6. Sections II and III of this document contain an analysis of the technical assistance identified within these categories and details on other assistance. Section IV contains further analysis of trends in specific types of needs identified and information on technical assistance needs that go beyond the scope of the provisions under review as well as additional information on technical assistance already being provided.

7. The figure below provides an overview of the number of different types of needs identified by States parties for both chapters under review. Further data is available under the sections on each chapter.

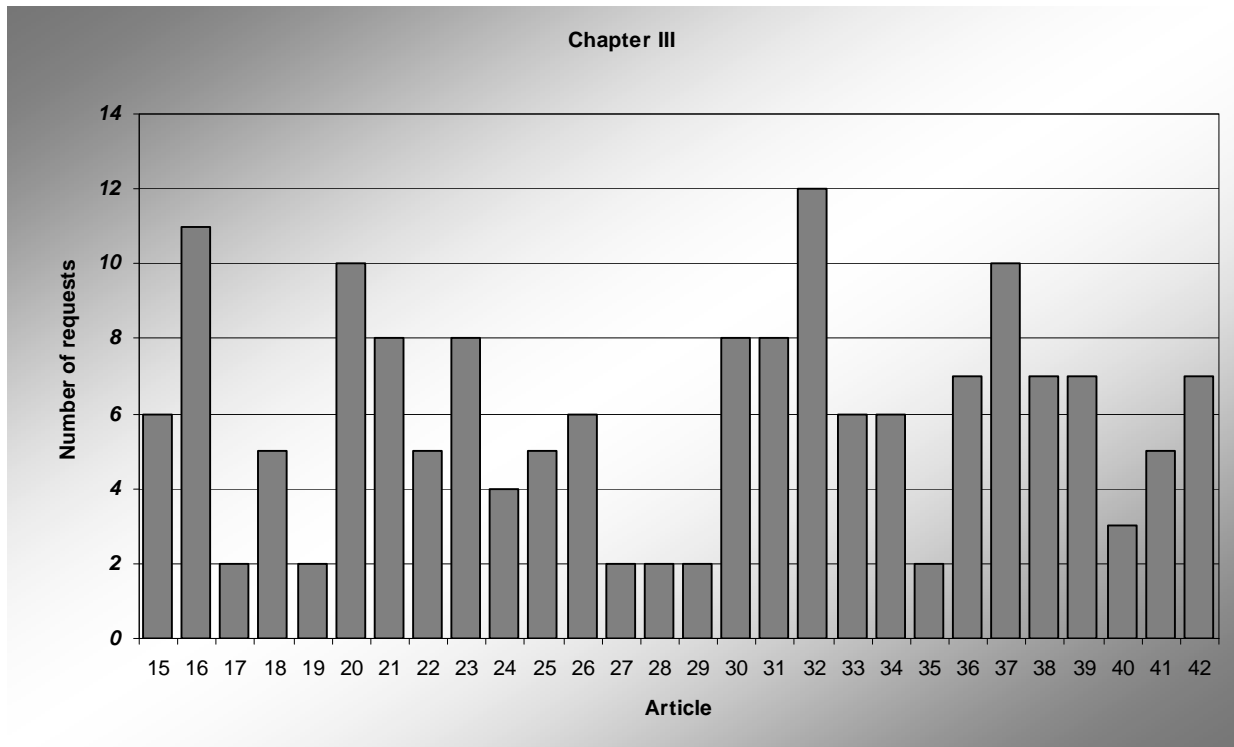


II. Technical assistance needs identified for the implementation of chapter III

8. In total, 428 technical assistance needs were identified for chapter III. The following is a breakdown of the number of needs by type and States Parties and by article: article 15: six States identified eleven needs; article 16: eleven States identified 24 needs; article 17: two States identified five needs; article 18: five States identified twelve needs; article 19: two States identified seven needs; article 20: ten States identified 26 needs; article 21: eight States identified 18 needs; article 22: five States identified eleven needs; article 23: eight States identified 28 needs; article 24: four States identified twelve needs; article 25: five States identified nine needs; article 26: six States identified 15 needs; article 27: two States identified two needs; article 28: two States identified three needs; article 29: two States identified eight needs; article 30: eight States identified 19 needs; article 31: eight States identified 17 needs; article 32: twelve States identified 45 needs; article 33: six States identified 21 needs; article 34: six States identified

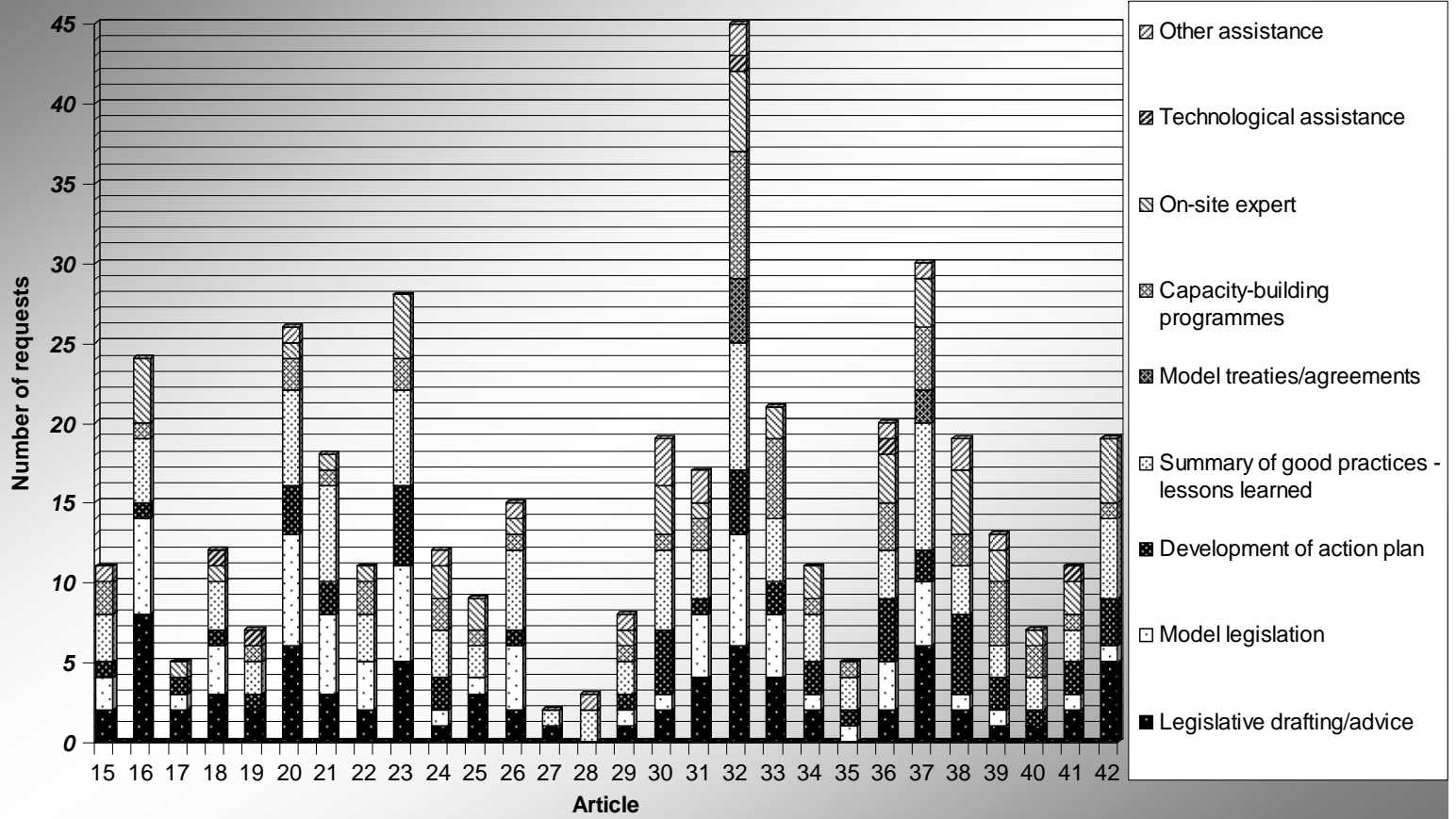
eleven needs; article 35: two States identified five needs; article 36: seven States identified 20 needs; article 37: ten States identified 30 needs; article 38: seven States identified 19 needs; article 39: seven States identified 13 needs; article 40: three States identified seven needs; article 41: five States identified eleven needs; article 42: seven States identified 19 needs.

9. Some States identified needs in relation to the implementation of one or two articles only, while seven States identified needs for over 15 articles of chapter III.



10. The figure below provides an overview of the total number of technical assistance needs broken down per article and per type of need, for the implementation of chapter III.

Chapter III - Technical Assistance Needs

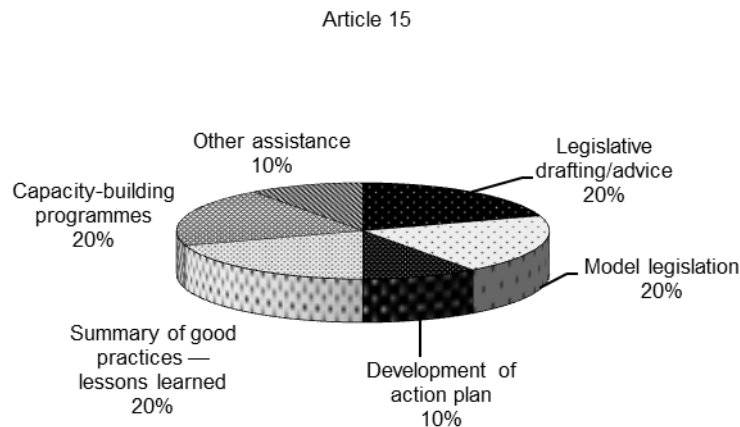


A. Bribery offences

Bribery of national and foreign public officials and officials of public international organizations

Technical assistance needs related to articles 15 and 16

11. Of the six States parties identifying technical assistance needs to support the implementation of article 15, the main types of needs were: a summary of good practices and lessons learned (three States); legislative drafting and legal advice (two States); model legislation (two States); capacity-building programmes (two States); and the development of an implementation action plan (one State). One State identified the need for other assistance.

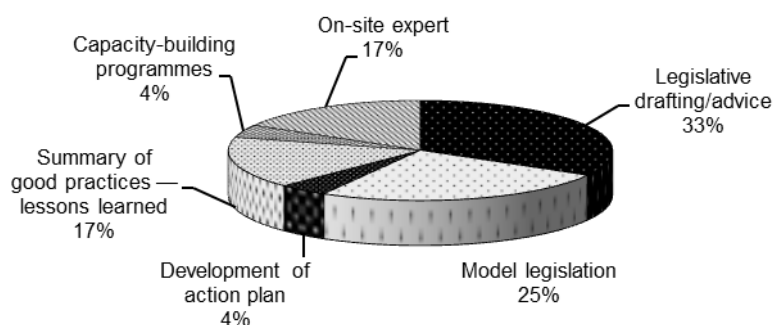


12. Challenges in implementing article 15 were identified as among the most prevalent faced by States under review,² with several aspects of the offence of bribery of national public officials being considered. While relatively few States identified technical assistance needs in order to enhance their implementation of this provision, one State highlighted specific needs for capacity-building of relevant staff such as prosecutors and investigators on a regular and continuing basis and not only as regards enhancing their substantive knowledge but also in interviewing and investigative techniques. One other State noted that it would be useful for its relevant staff to have workshops on case studies from various jurisdictions.

13. Of the eleven States parties identifying technical assistance needs to support the implementation of article 16, the main types of needs were: legislative drafting and legal advice (eight States); model legislation (six States); a summary of good practices and lessons learned (four States); on-site assistance by an anti-corruption expert (four States); and the development of an implementation action plan and capacity-building programmes (one State each).

² CAC/COSP/IRG/2013/6, Table 1 “Most prevalent challenges in the implementation of Chapter III”.

Article 16



14. The implementation of article 16 was also considered as among the most challenging for States,³ specifically with regard to the absence of a criminal offence of bribery of foreign public officials and officials of public international organizations or the scope of the individuals covered by such an offence. A high number of States under review identified technical assistance needs for implementing this provision, correlating with the challenges faced in establishing a legal framework in this regard.

B. Abuse of power or office and related conduct

Embezzlement, trading in influence, abuse of functions and illicit enrichment

Technical assistance needs related to articles 17, 18 and 19

15. Of the two States parties identifying technical assistance needs to support the implementation of article 17 of the Convention, the main types of needs were: legislative drafting and legal advice (both States); model legislation (one State); the development of an implementation action plan (one State); and on-site assistance by an anti-corruption expert (one State).

16. Of the five States parties identifying technical assistance needs to support the implementation of article 18 of the Convention, the main types of needs were: legislative drafting and legal advice (three States); model legislation (three States); a summary of good practices and lessons learned (three States); the development of an implementation action plan (one State); on-site assistance by an anti-corruption expert (one State); and technological assistance (one State).

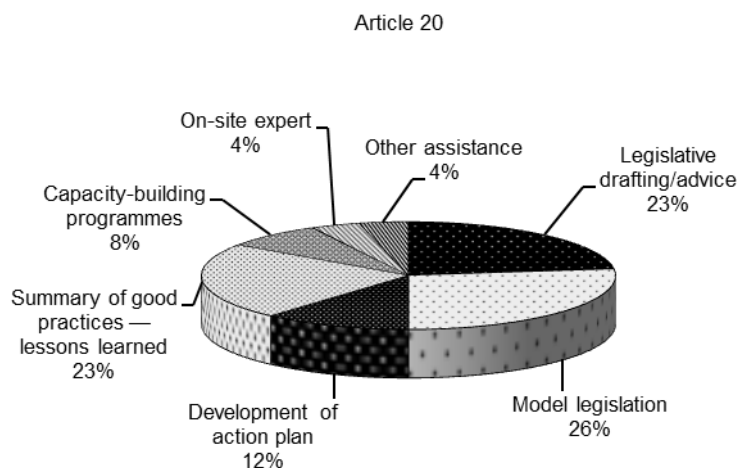
17. Of the two States parties identifying technical assistance needs to support the implementation of article 19 of the Convention, the main types of needs were: legislative drafting and legal advice and a summary of good practices and lessons

³ CAC/COSP/IRG/2013/6, Table 1 “Most prevalent challenges in the implementation of Chapter III”.

learned (both States); the development of an implementation action plan (one State); capacity-building programmes (one State); and technological assistance (one State).

Technical assistance needs related to article 20

18. Of the ten States parties identifying technical assistance needs to support the implementation of article 20 of the Convention, the main types of needs were: model legislation (seven States); legislative drafting and legal advice (six States); a summary of good practices and lessons learned (six States); the development of an implementation action plan (three States); capacity-building programmes (two States); on-site assistance by an anti-corruption expert (one State); and other assistance (one State).



19. The implementation of article 20 presented common challenges to several States,⁴ and was the article with the second-highest number of States identifying technical assistance needs for its implementation. The challenges included constitutional limitations and legal specificities, along with the domestic decision not to establish illicit enrichment as a criminal offence. Several States highlighted their interest in further examining the possibility of implementing this provision, while also recalling that this would pose challenges to their domestic legal system. These States identified technical assistance needs that correlate with this consideration and the wish to conduct further research, in particular in terms of legal advice and summary of good practices and lessons learned from other States. In the absence of having an illicit enrichment provision many States regarded the existence of systems for asset and income declarations as another way of collecting important data for corruption investigations. Therefore, technical assistance needs under this article also related to specific challenges with regard to asset and income disclosure systems as well as potential overlap with other legislation. One State identified its need for assistance in the form of training in financial profiling, net worth analysis as well as asset tracing and seizure. Another State highlighted the

⁴ CAC/COSP/IRG/2013/6, Table 1 “Most prevalent challenges in the implementation of Chapter III”.

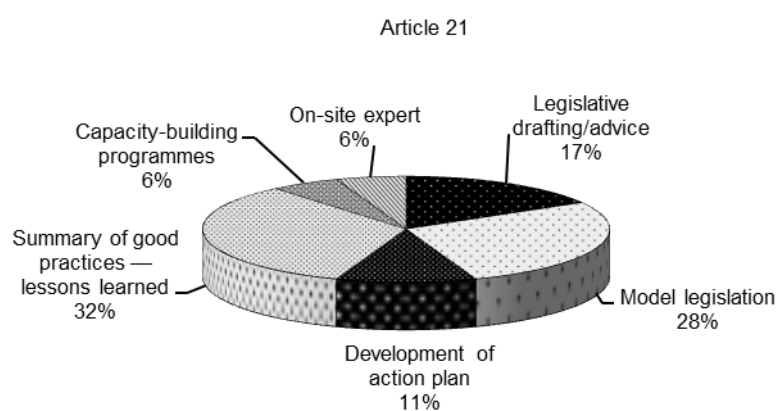
need for assistance in drafting new legislation that would provide the relevant financial disclosure department with the powers to verify information submitted in asset declarations.

C. Private sector offences

Bribery and embezzlement in the private sector

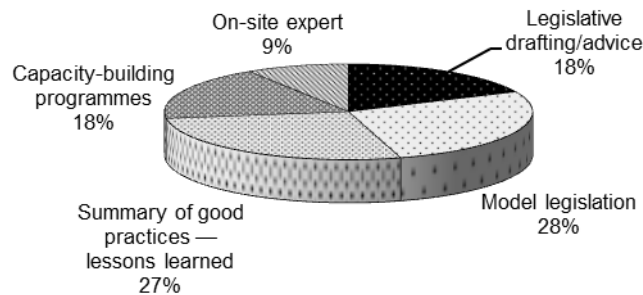
Technical assistance needs related to articles 21 and 22

20. Of the eight States parties identifying technical assistance needs to support the implementation of article 21 of the Convention, the types of needs were: a summary of good practices and lessons learned (six States); model legislation (five States); legislative drafting and legal advice (three States); the development of an implementation action plan (two States); capacity-building programmes (one State); and on-site assistance by an anti-corruption expert (one State).



21. Of the five States parties identifying technical assistance needs to support the implementation of article 22 of the Convention, the types of needs were: model legislation (three States); a summary of good practices and lessons learned (three States); legislative drafting and legal advice (two States); capacity-building programmes (two States); and on-site assistance by an anti-corruption expert (one State).

Article 22



22. While a relatively high number of States identified needs with regard to implementing articles 21 and 22, in particular for legal advice and a summary of good practices, corresponding challenges in implementation were not noted. This may indicate that a number of States may be fully satisfied with the implementation of these provisions and wish to improve their performance as an outcome of the reviews.

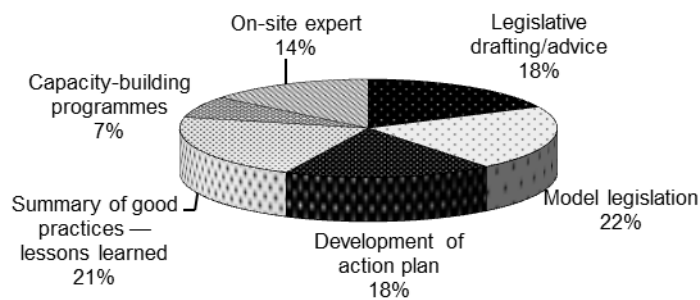
D. Other offences

Money-laundering, concealment and obstruction of justice

Technical assistance needs related to article 23

23. Of the eight States parties identifying technical assistance needs to support the implementation of article 23 of the Convention, the types of needs were: a summary of good practices and lessons learned (six States); model legislation (six States); legislative drafting and legal advice (five States); the development of an implementation action plan (five States); on-site assistance by an anti-corruption expert (four States); and capacity-building programmes (two States).

Article 23



24. For the implementation of article 23, one State noted that its legal framework contained provisions on “politically exposed persons” but that it required training for law enforcement officials on money-laundering and identifying assets belonging to such persons. Another State highlighted its need to promote greater use of existing money-laundering legislation and to train investigators and prosecutors in a “follow-the-money” approach. Capacity-building for financial intelligence units was a common trend and one State pointed specifically to the need for training for staff of judicial agencies and banks.

Technical assistance needs related to articles 24 and 25

25. Of the four States parties identifying technical assistance needs to support the implementation of article 24 of the Convention, the types of needs were: a summary of good practices and lessons learned (three States); the development of an implementation action plan (two States); on-site assistance by an anti-corruption expert (two States); capacity-building programmes (two States); legislative drafting and legal advice (one State); model legislation (one State); and other assistance in the form of support for the development of a criminal records database (one State).

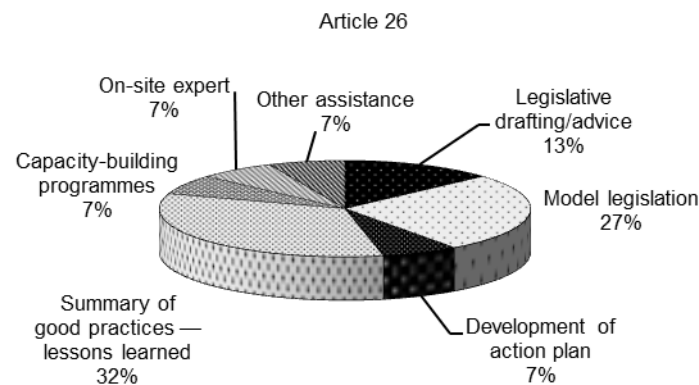
26. Of the five States parties identifying technical assistance needs to support the implementation of article 25 of the Convention, the types of needs were: legislative drafting and legal advice (three States); a summary of good practices and lessons learned (two States); on-site assistance by an anti-corruption expert (two States); model legislation (one State); and capacity-building programmes (one State).

E. Substantive and procedural provisions supporting criminalization

Liability of legal persons; participation and attempt; knowledge, intent and purpose; and statute of limitations

Technical assistance needs related to article 26

27. Of the six States parties identifying technical assistance needs to support the implementation of article 26 of the Convention, the types of needs were: a summary of good practices and lessons learned (five States); model legislation (four States); legislative drafting and legal advice (two States); the development of an implementation action plan (one State); capacity-building programmes (one State); on-site assistance by an anti-corruption expert (one State); and other assistance (one State).



Technical assistance needs related to articles 27, 28 and 29

28. Of the two States identifying technical assistance needs to support the implementation of article 27 of the Convention, the types of needs were: legislative drafting and legal advice (one State) and a summary of good practices and lessons learned (one State).

29. Of the two States identifying technical assistance needs to support the implementation of article 28 of the Convention, both requested a summary of good practices and lessons learned; and one State requested other assistance.

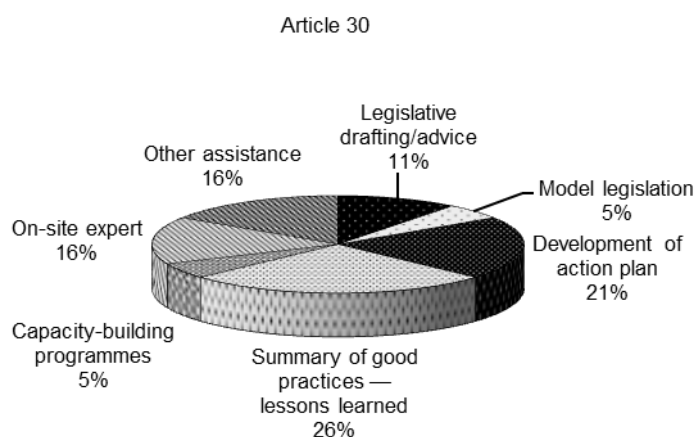
30. Of the two States parties identifying technical assistance needs to support the implementation of article 29 of the Convention, the types of needs were: a summary of good practices and lessons learned (both States); legislative drafting and legal advice (one State); model legislation (one State); the development of an implementation action plan (one State); capacity-building programmes (one State); on-site assistance by an anti-corruption expert (one State); and other assistance (one State).

F. Measures to enhance criminal justice

Prosecution, adjudication and sanctions

Technical assistance needs related to article 30

31. Of the eight States parties identifying technical assistance needs to support the implementation of article 30 of the Convention, the types of needs were: a summary of good practices and lessons learned (five States); the development of an implementation action plan (four States); on-site assistance by an anti-corruption expert (three States); legislative drafting and legal advice (two States); model legislation (one State); and capacity-building programmes (one State). Three States identified other assistance needs, including financial assistance (two States).



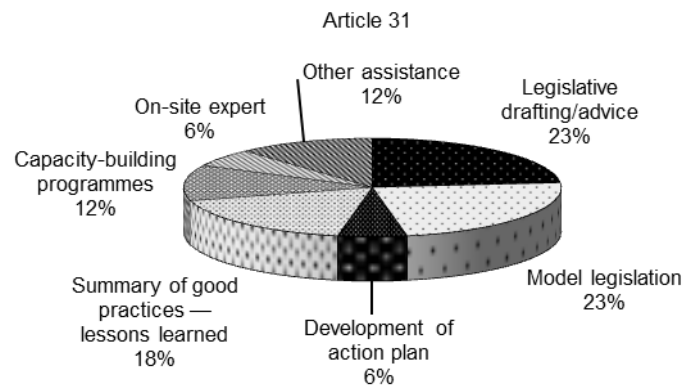
32. Article 30 was noted as being the provision with the most challenges identified in implementation by States under review.⁵ For the implementation of paragraph 1 relating to sanctions for instance, one State specifically identified a need to review the sanctions contained in its Penal Code and requested on-site assistance by an expert. On the implementation of paragraph 2 on immunities and jurisdictional privileges, one State highlighted the need for awareness-raising among the legal profession and academia, as well as training on the experiences of other States regarding the suspension of immunities of high-ranking officials and how to reduce delays in deciding on such suspension by the competent bodies.

Freezing, seizure and confiscation

Technical assistance needs related to article 31

33. Of the eight States parties identifying technical assistance needs to support the implementation of article 31 of the Convention, the main types of needs were: legislative drafting and legal advice (four States); model legislation (four States); a summary of good practices and lessons learned (three States); capacity-building programmes (two States); the development of an implementation action plan (one State); and an on-site expert (one State). Two States identified other assistance in the form of conducting surveys.

⁵ CAC/COSP/IRG/2013/6, Table 1 “Most prevalent challenges in the implementation of Chapter III”.



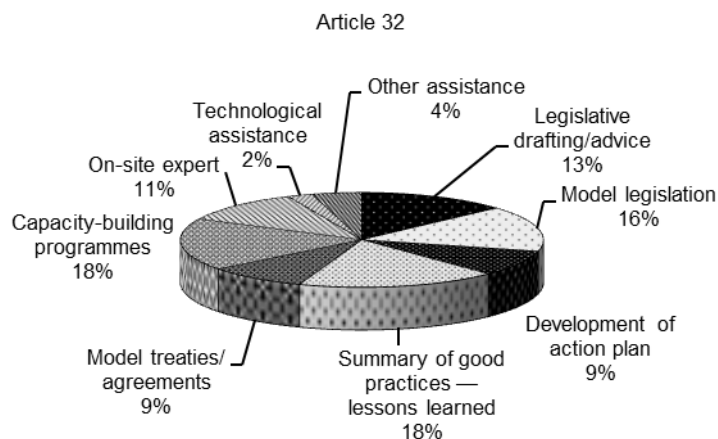
34. Several challenges were prevalent among States in the implementation of article 31,⁶ and the number of States identifying technical assistance needs reflects challenges with regard to legal frameworks, including one specific need for advice on implementing article 31, paragraph 1 (b), on instrumentalities destined for use in corruption offences. One State also identified needs related to the implementation of article 31 including training on determining which assets had been laundered and transformed; enhancing the capacity and use of information technology in rural areas in order to locate and transfer assets and property through a network of competent authorities; and equipping investigators with the necessary technology and tools for recording. Two other States highlighted the need to provide technical expertise and training to investigators and prosecutors on asset confiscation and forfeiture, with one of those mentioning also the management of seized assets.

Protection of witnesses, experts and victims, and of reporting persons

Technical assistance needs related to articles 32 and 33

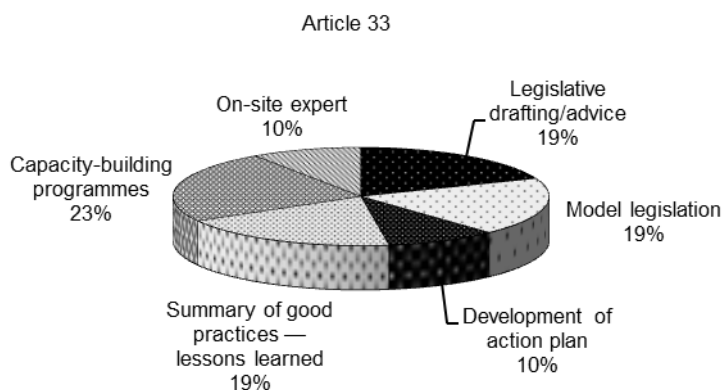
35. Of the twelve States parties identifying technical assistance needs to support the implementation of article 32 of the Convention, the types of needs were: a summary of good practices and lessons learned (eight States); capacity-building programmes (eight States); model legislation (seven States); legislative drafting and legal advice (six States); on-site assistance by a relevant expert (five States); the development of an implementation action plan (four States); model agreements or arrangements (four States); technological assistance (one State); and other assistance (two States).

⁶ CAC/COSP/IRG/2013/6, Table 1 “Most prevalent challenges in the implementation of Chapter III”.



36. Of the provisions under review, article 32 was the article with the highest number of States parties identifying technical assistance needs for its implementation, in a wide variety of types. In addition to the technical assistance types included in the checklist, two States identified other types of assistance including information technology training, facilities to provide for consultative services, the sharing of experiences and the capacity to provide relocation. Several States identified the need to establish, strengthen and manage witness and expert protection programmes. This trend may demonstrate the interest of a high number of States in putting in place such measures in the future.

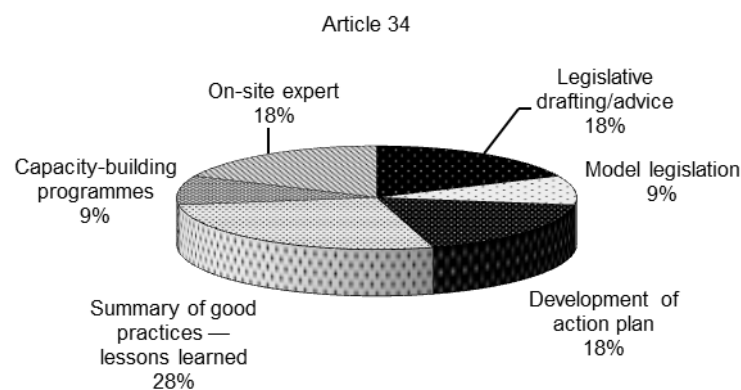
37. Of the six States parties identifying technical assistance needs to support the implementation of article 33 of the Convention, the types of needs were: capacity-building programmes (five States); legislative drafting and legal advice (four States); model legislation (four States); a summary of good practices and lessons learned (four States); the development of an implementation action plan (two States); and on-site assistance by a relevant expert (two States).



Consequences of acts of corruption and compensation for damage

Technical assistance needs related to articles 34 and 35

38. Of the six States parties identifying technical assistance needs to support the implementation of article 34 of the Convention, the types of needs were: a summary of good practices and lessons learned (three States); legislative drafting and legal advice (two States); the development of an implementation action plan (two States); on-site assistance by a relevant expert (two States); model legislation (one State); and capacity-building programmes (one State). One State specifically identified its need for a summary of good practices and lessons learned with regard to the annulment of public contracts as a consequence of corruption.



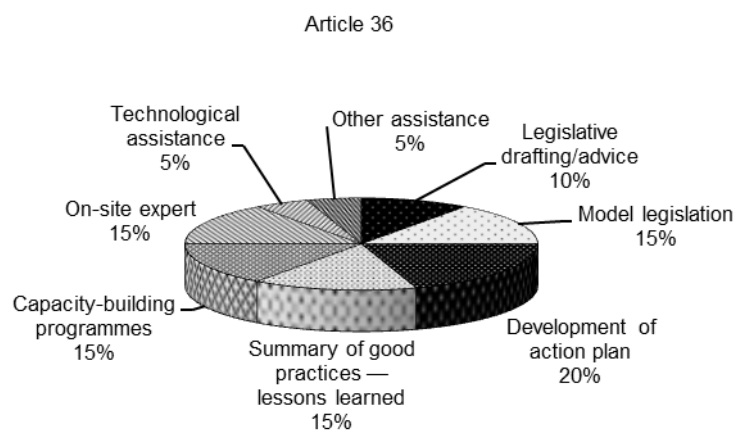
39. Of the two States parties identifying technical assistance needs to support the implementation of article 35 of the Convention, both States requested a summary of good practices and lessons learned. The other types of needs were: model legislation (one State); the development of an implementation action plan (one State); and capacity-building programmes (one State).

G. Institutional provisions

Specialized authorities

Technical assistance needs related to article 36

40. Of the eight States parties identifying technical assistance needs to support the implementation of article 36 of the Convention, the main types of needs were: the development of an implementation action plan (four States); model legislation (three States); a summary of good practices and lessons learned (three States); capacity-building programmes (three States); on-site assistance by a relevant expert (three States); legislative drafting/legal advice (two States); technological assistance (one State) and other assistance in the form of training on the use of facilities and investigative techniques (one State).

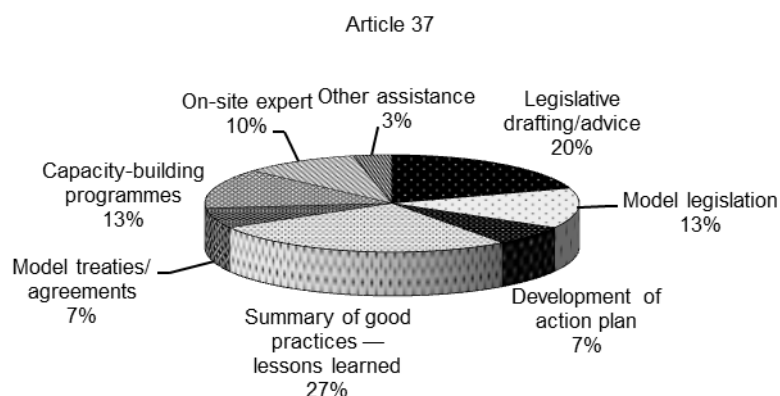


41. Several of those States identifying technical assistance needs to support the implementation of article 36 of the Convention underscored the need for capacity-building and specialized training for their law enforcement bodies, which were in some cases newly established. One State mentioned knowledge-sharing with other specialized authorities and another State indicated a need for training on special investigative techniques.

Cooperation with law enforcement authorities

Technical assistance needs related to article 37

42. Of the ten States parties identifying technical assistance needs to support the implementation of article 37 of the Convention, the types of needs were: a summary of good practices and lessons learned (eight States); legislative drafting/legal advice (six States); model legislation (four States); capacity-building programmes (four States); on-site assistance by a relevant expert (three States); the development of an implementation action plan (two States); model agreements or arrangements (two States); and other assistance (one State).

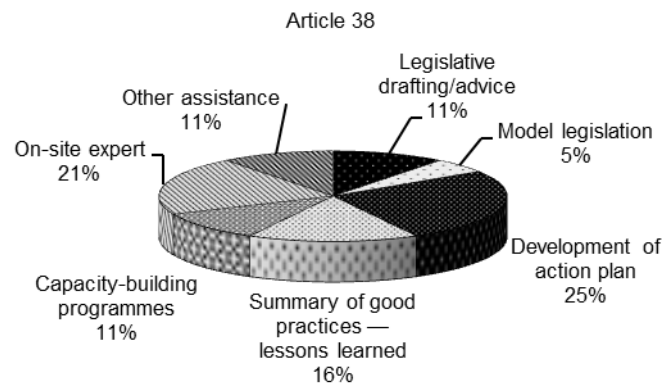


43. Article 37 garnered the second-highest number of States identifying technical assistance needs for its implementation. Of the needs identified, the prevalence of good practices and lessons learned as well as needs relating to legal frameworks may indicate that States parties are expressing an increasing interest in implementing this provision as a high number have not yet done so.

Cooperation between national authorities

Technical assistance needs related to article 38

44. Of the seven States parties identifying technical assistance needs to support the implementation of article 38 of the Convention, the types of needs were: the development of an implementation action plan (five States); on-site assistance by a relevant expert (four States); a summary of good practices and lessons learned (three States); legislative drafting/legal advice (two States); capacity-building programmes (two States); model legislation (one State); and two other forms of assistance.

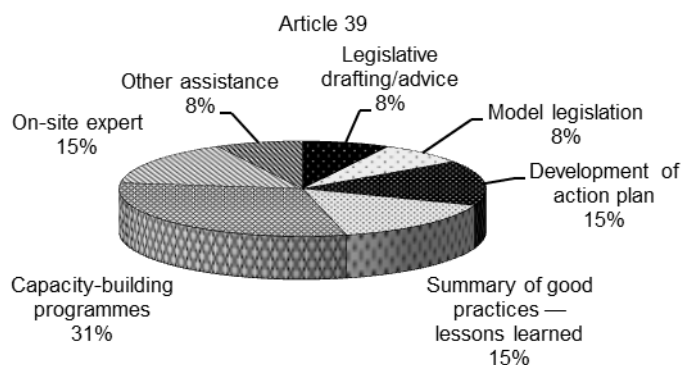


45. One State specifically indicated the need to harmonize information exchanged between different national authorities through the establishment of a database linking them. Needs identified in relation to the implementation of article 38 also included financial and material assistance.

Cooperation between national authorities and the private sector

Technical assistance needs related to article 39

46. Of the seven States parties identifying technical assistance needs to support the implementation of article 39 of the Convention, the types of needs were: capacity-building programmes (four States); the development of an implementation action plan (two States); a summary of good practices and lessons learned (two States); on-site assistance by a relevant expert (two States); legislative drafting and legal advice (one State); model legislation (one State); and other assistance in the form of promoting awareness of corruption and methodologies for statistics.



H. Other provisions

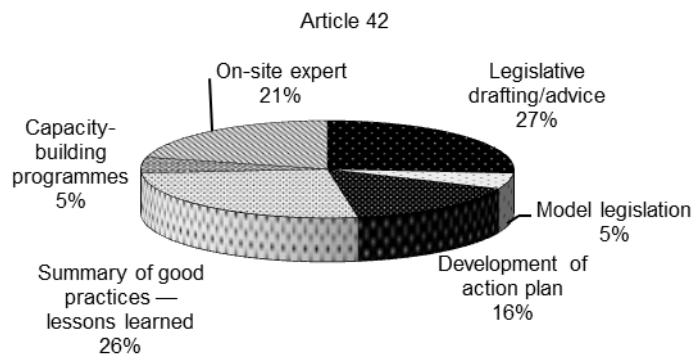
Bank secrecy, criminal record and jurisdiction

Technical assistance needs related to articles 40, 41 and 42

47. Of the three States parties identifying technical assistance needs to support the implementation of article 40 of the Convention, the types of needs were: a summary of good practices and lessons learned (two States); capacity-building programmes (two States); legislative drafting and legal advice (one State); the development of an implementation action plan (one State); and on-site assistance by a relevant expert (one State).

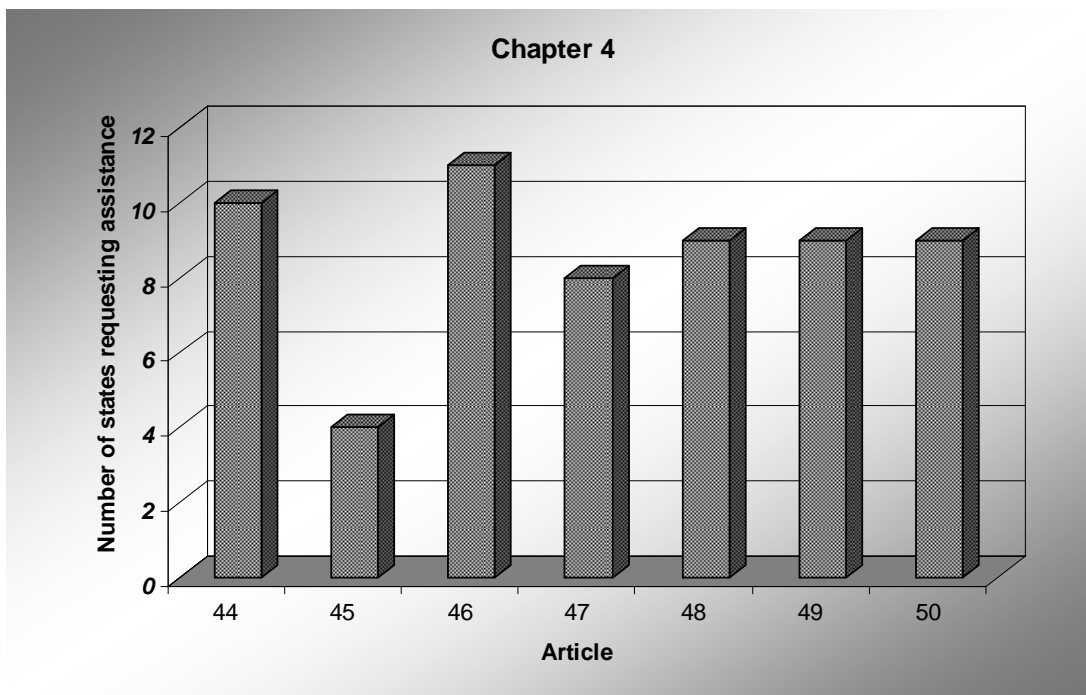
48. Of the five States parties identifying technical assistance needs to support the implementation of article 41 of the Convention, the types of needs were: legislative drafting and legal advice (two States); the development of an implementation action plan (two States); a summary of good practices and lessons learned (two States); on-site assistance by a relevant expert (two States); model legislation (one State); capacity-building programmes (one State); and technological assistance (one State).

49. Of the seven States parties identifying technical assistance needs to support the implementation of article 42 of the Convention, the types of needs were: legislative drafting and legal advice (five States); a summary of good practices and lessons learned (five States); on-site assistance by a relevant expert (four States); the development of an implementation action plan (three States); model legislation (one State); and capacity-building programmes (one State).



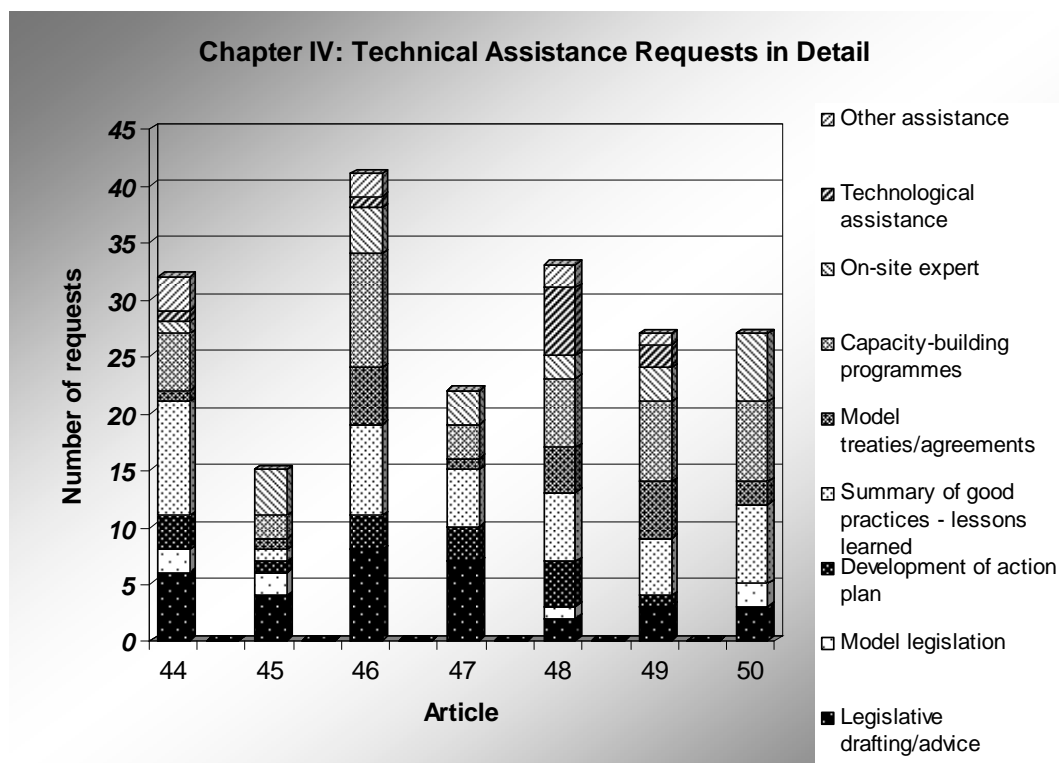
III. Technical assistance needs identified for the implementation of chapter IV

50. Sixteen of the 34 States parties covered in the present report have indicated technical assistance needs, and out of those five States noted three or less needs. The bulk of needs for technical assistance were identified by one third (eleven out of 34) of the States that have been reviewed to date. The figure below contains the number of States parties identifying technical assistance needs per article. In the case of article 44, technical assistance needs ranged from one State party indicating seven needs for different types of technical assistance, to five States parties identifying one form of support.



51. In a bid to exemplify these findings, the following chart seeks to show the full range of needs identified by disaggregating them not only by number and article but also summarizing the total number of needs identified per article.

52. In total, 193 technical assistance needs were identified for chapter IV. The following is a breakdown of the number of needs broken down by type and States parties, by article in decreasing order: article 46: eleven States identified 41 needs; article 48: nine States identified 33 needs; article 44: ten States identified 32 needs; article 49: nine States identified 28 needs; article 50: nine States identified 27 needs; article 47: eight States identified 22 needs; and article 45: four States identified 15 needs.

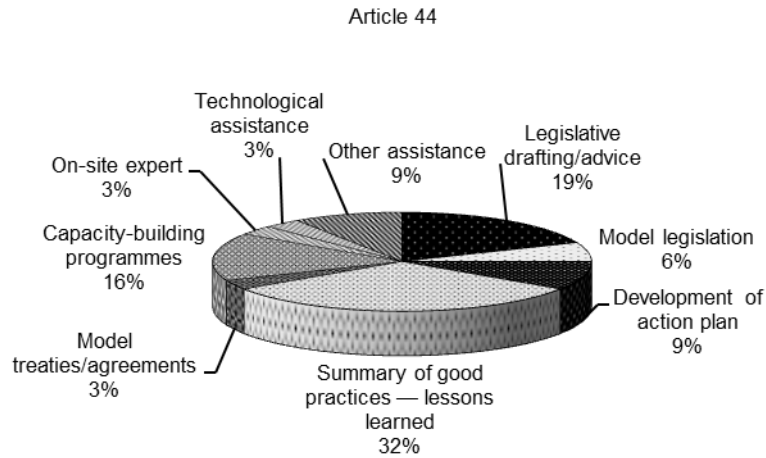


A. Extradition

Technical assistance needs related to article 44

53. A total of 30 technical assistance needs were identified by eleven States parties in support of implementing article 44 of the Convention. Among these, the types and number of needs were: legislative drafting and legal advice (six States); two on model legislation and treaties and ten for a summary of good practices and lessons learned (in total from ten States); capacity-building programmes (five States); and support in the development of an implementation action plan (three States). Other forms of assistance were sought by three States parties and included assessing the effectiveness of extradition measures and policy; studies and analysis of extradition legislation and procedures to determine their effectiveness; and financial and material support. Furthermore, one State identified the need for on-site assistance by

an anti-corruption expert. One State asked for support to develop a methodology to apply the Convention in relation to article 44, paragraph 4.

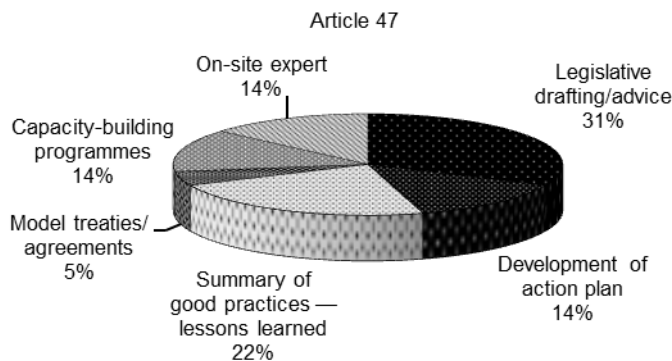


B. Transfer of sentenced persons and of criminal proceedings

Technical assistance needs related to articles 45 and 47

54. Of the four States parties identifying technical assistance needs to support the implementation of article 45 of the Convention, the types of assistance requested were: legal advice (four States); on-site assistance by an anti-corruption expert (four States); model legislation and treaties, a summary of good practices and lessons learned (three States); and capacity-building programmes (two States).

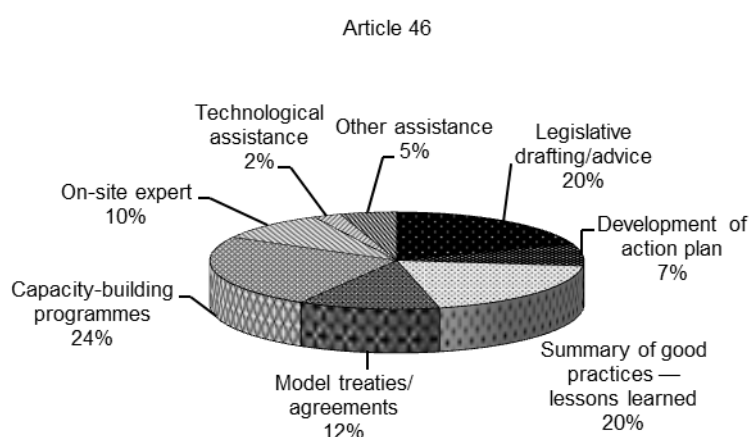
55. Of the nine States parties identifying technical assistance needs to support the implementation of article 47 of the Convention, the number and types of assistance requested were: legislative drafting and legal advice (seven States); one request for model agreements or arrangements and five requests for a summary of good practices and lessons learned (in total from five States); capacity-building programmes (three States); the development of an implementation action plan (three States); and on-site assistance by an anti-corruption expert (three States).



C. Mutual legal assistance

Technical assistance needs related to article 46

56. Of the eleven States parties identifying technical assistance needs to support the implementation of article 46 of the Convention, the types of assistance requested were: legal advice and legislative drafting support (eight States); five requests for model treaties, agreements or arrangements, and eight requests for a summary of good practices and lessons learned (in total from ten States); capacity-building programmes (ten States); and on-site assistance by a relevant expert (four States). One State requested assistance for developing a mutual legal assistance database that recorded data and information on requests. One State also proposed the development of common formats and templates to be used under the framework of the Convention.

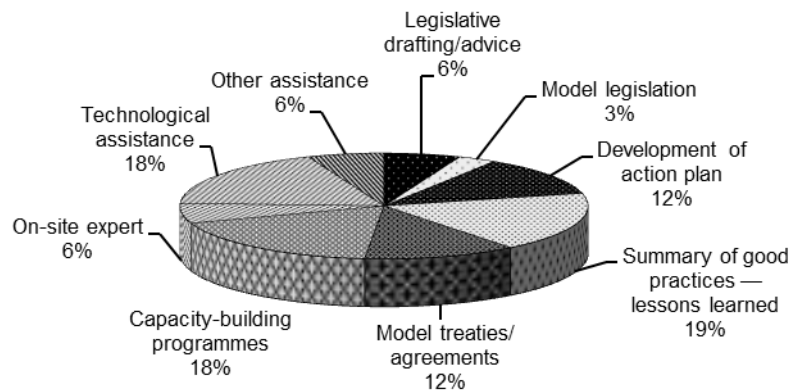


D. Law enforcement cooperation

Technical assistance needs related to article 48

57. Of the nine States parties identifying technical assistance needs to support the implementation of article 48 of the Convention, the types and number of assistance requested were: one request for model legislation, four requests for model agreements or arrangements and six requests for a summary of good practices and lessons learned (in total from eight States); technological assistance (six States); and capacity-building programmes (six States). Other forms of assistance were sought in the form of an assessment of the effectiveness of the measures adopted to establish or enhance channels of communications with other States parties (one State) and financial assistance (one State). Furthermore, legislative drafting and legal advice as well as on-site assistance by an anti-corruption expert was identified by two States.

Article 48

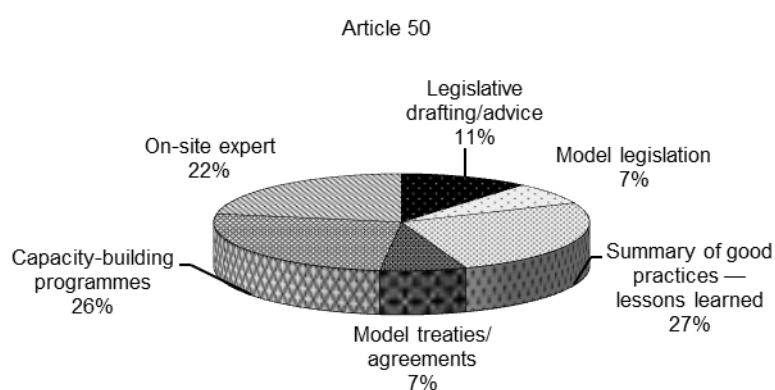
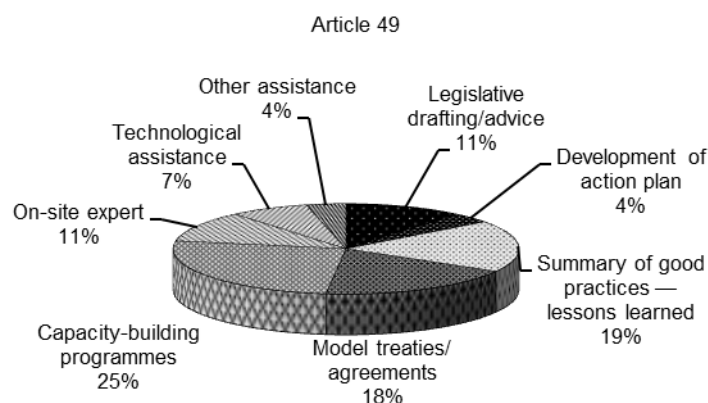


E. Joint investigations and special investigative techniques

Technical assistance needs related to articles 49 and 50

58. Of the nine States parties identifying technical assistance needs to support the implementation of article 49 of the Convention, the number and types of assistance requested were: capacity-building programmes (seven States); five requests for model agreements or arrangements and five requests for a summary of good practices and lessons learned (in total from seven States); legal advice and legislative drafting assistance (three States); on-site assistance by an anti-corruption expert (three States); and technological assistance (two States). An individual request for other forms of assistance was sought in the form of an assessment of the effectiveness of the measures adopted to establish or enhance channels of communications with other States parties.

59. Of the nine States parties identifying technical assistance needs to support the implementation of article 50 of the Convention, the number and types of assistance requested were: capacity-building programmes (seven States); two requests for model legislation, two requests for agreements or arrangements and seven requests for a summary of good practices and lessons learned (in total from seven States); on-site assistance by an anti-corruption expert (six States); and legislative drafting and legal advice (three States).



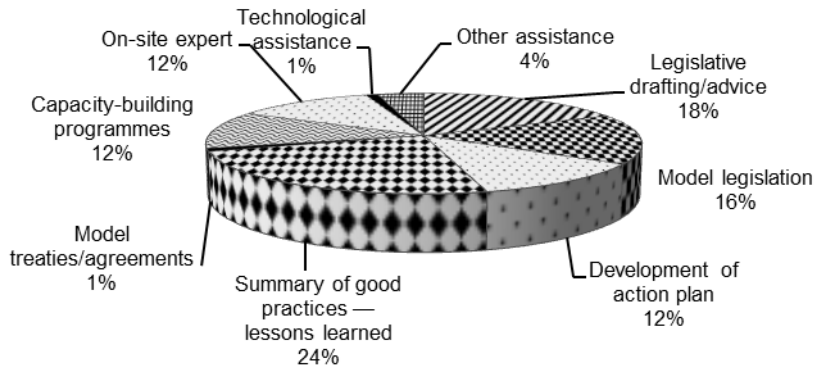
IV. Trends by type of needs identified and technical assistance needs beyond the provisions under review

Trends in types of technical assistance needs identified and other needs emerging from the country reviews

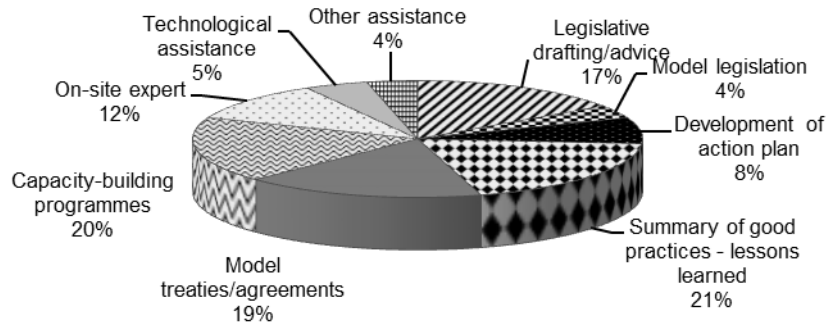
60. Technical assistance needs primarily focused on the establishment or strengthening of legal frameworks were identified by most States, correlating with the challenges identified in implementation and with the thematic findings of the country reviews. Several States noted their plans to revise their legal frameworks and requested support accordingly. Good practices and lessons learned were also solicited. In this regard, this aspect of the outcome of the country reviews may be emphasized in order to provide other States with the corresponding information in the thematic implementation reports on specific provisions. Furthermore, specific knowledge products including good practices and lessons learned could be developed and the usefulness of TRACK could be further enhanced in this regard.

61. The figures below reflect the total number of needs identified by chapter under review and by the types of needs contained in the comprehensive self-assessment checklist.

Chapter III — Technical assistance requests by type (total 428)



Chapter IV — Technical assistance requests by type (total 197)



62. The majority of States identifying technical assistance needs included capacity-building and training in relation to a high number of provisions under review. Emphasis was placed on training for judicial officials, prosecutors, law enforcement officials and financial investigators. Some States noted this in particular due to the relatively recent, and complex, nature of the measures that they had adopted in order to implement the Convention. Modern information technology and special investigative techniques were highlighted in terms of capacity-building, and one State mentioned initial training for judicial officials. In this respect the development of training modules, which can also be made available online through e-learning campuses could be envisaged. TRACK could play a useful role as a platform for further dissemination of existing tools.

63. Some States also underscored their needs for financial and material assistance in implementing the Convention, including information technology equipment. The requirement for financial assistance was specifically mentioned for the implementation of articles 30 and 36 for national capacity-building programmes, and for article 32 for witness protection and relocation programmes. One other general need that was noted in some States was to have translation of relevant documents and materials in national languages in order to more widely disseminate them.

64. Some States identified the need for technical assistance to collect and analyse accurate and comprehensive data, including judicial archives and databases for statistics. Among database needs were also that for criminal records and information-sharing or networking databases that could be used by multiple national authorities. Several States also reported the need to conduct thematic assessments, evaluations and further research and studies with a view to updating and amending legislation.

65. For the implementation of chapter IV, States parties identified specific needs in relation to articles 44 and 46 to carry out assessment and/or studies on their present situation and seek the best way to align their national procedures, legislation and training to the Convention's provisions and requirements. One State wished to carry out an assessment in relation to the implementation of article 49 on the effectiveness of its measures adopted to establish or enhance channels of communications with other States parties. Two States parties indicated their need to support the establishment of databases in relation to article 44, one in relation to article 46 and a further three States in relation to article 48. The requests related to the establishment of a case management system, which would keep data and statistics on the international cooperation requests (both incoming and outgoing).

66. Several States parties emphasised their need for increased skills in the area of designing, managing and applying special investigative techniques in relation to international cooperation including surveillance, information gathering and interviewing techniques. Four States noted such needs in relation to article 50 and one State did so in relation to article 46.

Information on needs already being addressed and national mechanisms for follow-up

67. As noted at the outset, the comprehensive self-assessment checklist contains several pre-determined categories of technical assistance needs as well as a "catch-all" Other category. Many of the needs identified during the country review processes have fallen within these broad categories, but broader needs were reflected in the country review reports and executive summaries. In several cases, this has been a means for States under review to engage in follow-up on the outcome of their reviews, using the initial review as a basis for more comprehensive analysis of their technical assistance needs.

68. In order to trigger the follow-up process, once a country review is concluded and technical assistance needs have been identified, the secretariat sends a letter indicating readiness to take forward the outcome of the review process through, inter alia, assisting the State party under review in developing a prioritized action plan and to discuss how to meet the needs identified. Follow-up was also taken on

by the UNODC Field Offices network and by the Corruption and Economic Crime Branch's field-based advisors. For instance, technical assistance needs emerging from the reviews were included in country and regional programming and efforts were made to encourage including them in wider United Nations and bilateral programming, including through early incorporation in UNDAF processes. The availability of seed funds allowing UNODC to offer follow-up advisory services to work with requesting countries on developing prioritized action plans based on the needs identified in the reviews is crucial in this regard.

69. Several States provided information during the country review process on national strategies or action plans they had drafted and adopted on anti-corruption. These strategies or plans contained actions with regard to the establishment and strengthening of legal and institutional frameworks against corruption. One State noted a general need to enhance its capacity in evaluating the effectiveness of anti-corruption measures. Another State sought to further engage in the identification and analysis of technical assistance needs for the implementation of the Convention after the country review process has been finalized, building on the assistance already provided through its national anti-corruption plan.

70. To illustrate the identification of technical assistance needs in a specific case, one State under review in the African Group sought to broaden and deepen the identification of technical assistance needs for the implementation of the Convention in order to formulate an action plan and to integrate the needs in ongoing development assistance frameworks such as the UNDAF process. After having held a country visit during which UNODC met with donors and other partners, the country in question invited the secretariat and the relevant regional advisor back for a workshop led by the focal point and his team to work further on the needs identified during the review process and to draft an action plan for implementation. Another similar approach has been taken in the cases where countries have worked with UNODC to develop and implement an integrated national programme, including needs emerging from the review process.

71. When States have identified technical assistance needs for the implementation of certain provisions of the Convention in their responses to the comprehensive self-assessment checklist, the question flow asks those States to provide information on whether the needs identified are already being met in part or whole by providers and what would still need to be addressed to adequately fill the gaps identified. As indicated in the introduction, the Conference recommended that States parties identify technical assistance requirements in their responses to the comprehensive self-assessment checklists and in the country reports, preferably prioritized, and that States parties, where applicable, continue to provide UNODC with information on ongoing technical assistance projects related to the implementation of the Convention.

72. Relatively few States under review provided such information in their responses to the self-assessment checklist, although some have started to do so in years 2 and 3. Further information on what types of technical assistance are already being provided was usually provided during the means of direct dialogue i.e. country visits, either by national authorities or during meetings with technical assistance providers and donors and partners such as UNDP, organized by focal point of the State under review.

73. Out of those, for instance, one State noted an ongoing broad assistance programme for the modernization of its judicial system through a national programme adopted in 2005, that included strengthening judicial integrity and improving the operation of its court system. This programme was carried out in cooperation with a bilateral donor and included anti-corruption components. Another State reported on a similar project undertaken with the European Union and a bilateral donor that included training for judicial officers, legislative reform and legislative databases, and expressed its interest in reviving such activities as the project had run from 2003 to 2007 and had not been extended. One State provided detailed information on ongoing assistance provided through the Council of Europe for its prosecution services, and assistance in legislation with a bilateral donor. Another State reported on specific assistance it had received in drafting its money-laundering legislation.

74. As more country review reports are being finalized, there will also be the possibility to establish trends in technical assistance needs on a regional basis. Early analysis already provides indications that, for example, capacity-building needs in the area of financial investigative skills, international cooperation and witness protection are in some regions best addressed on a regional basis.

75. More information will result in a more efficient use of resources by addressing specific needs on a regional basis, as well as by drawing on already existing technical assistance programmes in order to absorb some of the requirements emerging from the mechanism.
