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**Implementation Review Group****Ninth session**

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Item 4 of the provisional agenda

**Technical assistance****Technical assistance in support of the implementation of the United Nations Convention against Corruption, including analysis of technical assistance needs emerging from the country reviews under the second Implementation Review Cycle****Note by the Secretariat****I. Introduction**

1. In accordance with the multi-year workplan for the analytical work of the Implementation Review Group, covering the period 2017–2019 (CAC/COSP/IRG/2016/9/Add.1, annex I), the main topic of the Group's regular ninth session would be the analysis of information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of chapter V (Asset recovery) of the Convention. In order to avoid duplication, the secretariat refers to the Progress report on the implementation of the mandates of the Open-ended Intergovernmental Working Group on Asset Recovery (CAC/COSP/WG.2/2018/2) which contains information on technical assistance provided in support of the implementation of Chapter V of the United Nations Convention against Corruption. Consequently, the present note focusses on the analysis of technical assistance needs emerging from the country reviews under the second implementation review cycle.

2. 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. The Conference decided that the Implementation Review Group would 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 Implementation 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. In accordance with paragraph 44 of the terms of reference, the Review Group is tasked with considering technical assistance requirements in order to ensure effective implementation of the Convention.



3. 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, should identify technical assistance requirements, preferably prioritized and related to the implementation of the provisions of the Convention examined during a given review cycle. In the same resolution, the Conference decided that the Review Group should consider, on the basis of the outcome of the review process and consistent with the terms of reference of the Implementation Review Mechanism, priority areas for the provision of technical assistance, as well as consolidated information on trends in requirements for and provision of technical assistance.

4. It should also be recalled that the provision of technical assistance is an integral part of the Convention, in particular with its chapter VI devoted to technical assistance and information exchange. With regard to the collection of technical assistance needs, during the first review cycle, technical assistance needs were included as pre-determined categories in the comprehensive self-assessment checklist. These predetermined categories were: legislative drafting and legal advice; model legislation; development of an implementation action plan; 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.

5. However, prior to the launch of the second review cycle at its sixth session, the Conference reconsidered how technical assistance needs should be identified in the second cycle (CAC/COSP/2015/10). Therefore, the reflection of technical assistance needs in the self-assessment checklist was therefore discussed on numerous occasions during the deliberations that preceded and led to the adoption of the revised self-assessment checklist (CAC/COSP/IRG/2016/4). The revised checklist allows States to identify their technical assistance needs in a manner less restrictive and pre-determined as during the first cycle. Nevertheless, the revised checklist provides examples of what type of assistance could be relevant, including: legislative assistance; institution-building; policymaking; capacity-building; research/data-gathering and analysis; facilitation of international cooperation with other countries; and a catch all-category for other assistance.

6. The present note contains updated information on the technical assistance needs identified in the country reviews for the implementation of chapters II (Preventive Measures) and chapter V (Asset Recovery) of the Convention by States parties under review in the second cycle of the Implementation Review Mechanism. It was based on information included in the country review reports and the executive summaries that had been completed at the time of drafting.

## II. Overall assessment

7. By June 2018, 9 States parties had completed their country review process or were in the final stages of doing so. Among these, 6 States parties identified technical assistance needs, amounting to 43 needs in total, 30 in relation to chapter II of the Convention and 13 in relation to chapter V of the Convention.

8. As mentioned in the assessment of measures taken after the conclusion of their first cycle reviews, a majority of States found that the Mechanism and the technical assistance efforts had helped not only in identifying gaps and shortcomings related to chapters III (Criminalization) and IV (International cooperation) of the Convention: in fact, information was provided on measures taken in relation to chapters II (Prevention) and V (Asset Recovery) either as a direct outcome of the first cycle or in preparation for the second cycle.

9. Most of the technical assistance needs identified in the country reports and in the executive summaries considered for this note fall within the types of assistance exemplified in the checklist. It should be noted that other needs were identified as well. As mentioned above, the section of the checklist relating to technical assistance needs is no longer an exercise of ticking boxes of predetermined categories of

technical assistance. Possibly as a result thereof, States identifying such needs have generally expanded and specified their requirements to a greater extent than during the first implementation review cycle. In addition, some States parties did not identify specific technical assistance needs linked to specific articles and instead indicated a general wish for technical assistance for the implementation of a certain chapter.

10. Given the small size of the sample, it is too early to provide any thorough analysis and conclusions. However, some initial trends can be identified in relation to the type of assistance requested, as well as the articles involved.

### III. Prevention

11. With regard to chapter II on Prevention, most needs identified related to capacity-building and in particular to enhancing the technical skills and capacities of staff of bodies in charge of preventing corruption. These needs, primarily related to practical aspects of the work of the anti-corruption authorities such as building the capacity of fraud examiners and forensic auditors (art. 9). A couple of States also noted the aim of strengthening their knowledge and capacity to monitor and assess the situation and to develop efficient strategies to prevent and combat corruption (arts. 6 and 7).

12. Other needs articulated related to the establishment of asset declaration and conflict of interest reporting and verification systems (arts. 7 and 8). This was also reflected in what numerous States had indicated as part of measures undertaken after the completion of their first cycle reviews and as reported to the seventh session of the Conference of the States parties<sup>1</sup>. States then highlighted establishing new systems for the declaration of assets and other liabilities that targeted the prevention of conflicts of interest.

13. Several States also identified needs to undertake assessments and studies as basis for their evidence-based policies and strategies, as well as to serve as awareness-raising tools. This is related to article 5 of the Convention, but is also inter-related with the provisions on “increasing and disseminating knowledge about the prevention of corruption” (paragraph 1(b) of article 6) as well as article 10 on the risks of corruption in public administration. Awareness-raising is anchored in article 13 of the Convention in relation to public participation in the prevention of corruption.

14. Some States parties identified the need for assistance in the area of information technology, in particular in relation to simplifying administrative procedures and processes (art. 10). This also echoed measures already taken by States after their first cycle reviews and included favouring online procurement portals or full e-procurement systems (art. 9). The move towards paperless procedures, the simplification of public access to information, as well as technical support in managing of asset declarations were also noted as technical assistance needs under chapter II.

### IV. Asset recovery

15. Technical assistance needs identified for chapter V also related largely to capacity building. More specifically, several States noted needs for enhancing their capacities in detecting and identifying proceeds of crime as well as tracing assets. In particular, such needs concerned the prevention and detection of transfers of proceeds of crimes (art. 52); recovery of property through international cooperation in confiscation (art. 54); and, return and disposal of assets (art. 57).

<sup>1</sup> CAC/COSP/2017/12 Analysis of good practices, experiences and relevant measures taken by States Parties after the completion of the country reviews during the first implementation review cycle.

16. The above-mentioned note presented by the Secretariat (CAC/COSP/2017/12) outlined how measures States had taken in relation to chapter V also included plans for the establishment of an asset management office, while others related to the elaboration of asset recovery specific legislation such as amendments to allow non-conviction based forfeiture. Legislative assistance was again highlighted as a technical assistance need by a couple of States during their second cycle reviews.

17. It was also noteworthy that the issue of virtual currencies and cryptocurrencies has frequently been subject to great discussions in particular during country visits of the second cycle reviews. The technical assistance need to build capacity in relation to money-laundering (art. 14) and the confiscation of virtual currencies (art. 58) was included in one review.

## **V. The need for data-gathering and statistical data — a link to the Sustainable Development Goals**

18. While statistics remained one of the most common challenges, as well as recommendations for all States during the first review cycle, this continued also for the second cycle reviews. Data gathering or the collection of statistical data was indicated both in a generic manner in order to permit the development of a baseline and assessment tool, but also with more specific and focused intentions. In the latter category, technical assistance needs targeted the establishment of monitoring and evaluation of prevention strategies (arts. 5 and 6), as well as the verification of asset declarations and related frameworks (art. 7).

19. Statistical information and data is not only relevant for domestic benchmarking in the context of the reviews, but also in the context of measuring progress towards reaching several targets established within the Sustainable Development Goals. The Sustainable Development Goals provide several entry-points related to the Convention against Corruption and measures taken by States in the implementation of the Convention. Of particular interest are (i) target 16.4, which encourages States parties to take measures to strengthen anti-money laundering legal frameworks and develop capacities of national agencies to investigate money laundering and terrorism financing, disrupt illicit financial flows and support the recovery of stolen assets; (ii) target 16.5 which requires States to “substantially reduce corruption and bribery in all their forms; and (iii) target 16.6 which focusses on developing “effective, accountable and transparent institutions at all levels”. The two indicators for the measuring progress on target 16.5 relate to bribery in the public and private sectors respectively, while the indicator for measuring government expenditure can be directly related to article 9 of the Convention relating to the management of public finances

20. Many States used statistics generated in preparation for, or because of, their first cycle reviews as a first stepping-stone and benchmark for their continued efforts to gather statistics. The technical assistance needs identified during the second cycle follow the same vein, although of course related to the provisions and aspects of chapters II and V of the Convention. Statistical information generated for the implementation review is likely to meet some of the reporting requirements of the indicators for the Sustainable Development Goals, additional data will be necessary.

21. All Member States of the United Nations are duty-bound to report on progress made towards the achievement of the Sustainable Development Goals. States parties to the Convention that established data collection and statistical information gathering tools could use this information also as a starting point for reporting on their progress towards implementing the SDGs, and in particular targets 16.4–6. Therefore, addressing challenges in the areas of data gathering and collecting statistics will benefit more than one process.

## VI. Conclusion

22. The implementation review mechanism continued also in the early stages of its second cycle to produce tangible results for determining priorities in technical assistance. It should also be noted that some States parties that had identified technical assistance needs during the first cycle of the mechanism had not done so in their reviews under the second cycle. Furthermore, a few States identified significantly fewer technical assistance needs in relation to substantively related articles (such as arts. 6 and 36) than the same States identified during the first cycle. This would also indicate that the investment in technical assistance showed tangible dividends.

23. The Group may wish to encourage all States, not only those with relevant technical assistance needs related to data-gathering and analysis, to view their efforts to enhance their statistical capacities in a broader context. This would be particularly relevant to the data gathered and statistics generated for the reviews under the second cycle.

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