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## Implementation Review Group

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Agenda item 2

### Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

## Lessons learned from other review mechanisms on their operation and transition to a next phase: elements of peer review mechanisms subject to transitions, observations and trends (part II)

Note by the Secretariat

### *Summary*

The present addendum contains reviews of nine possible dimensions of changes to peer review mechanisms, based on transitions that have occurred in the mechanisms under consideration. The concluding summary highlights common trends that States parties may wish to take into account in their design of the next phase of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, while ensuring that the Mechanism remains practically relevant and manageable and that the principles of transparency, efficiency, non-intrusiveness, inclusiveness and impartiality remain cornerstones of the exercise. The present addendum should be read together with the note entitled “Lessons learned from other review mechanisms on their operation and transition to a next phase: experiences collected in transitions by other peer review mechanisms (part I)” ([CAC/COSP/IRG/2023/8](#)), which contains reviews of the experiences collected in six peer review mechanisms with transitions from initial evaluation to follow-up phases, as well as other institutional reforms and lessons learned.



## **I. Continuation of the analysis**

1. The note by the Secretariat entitled “Lessons learned from other review mechanisms on their operation and transition to a next phase: experiences collected in transitions by other peer review mechanisms (part I)” (CAC/COSP/IRG/2023/8) contains an analysis of the experiences collected in six peer review mechanisms with transitions from initial evaluation to follow-up phases, as well as other institutional reforms and lessons learned. The present addendum continues that analysis and contains a review of nine possible dimensions of changes to peer review mechanisms on the basis of transitions that occurred in the mechanisms under consideration (sect. II). Section III, on synergies, provides information on ongoing efforts to enhance synergies among the review mechanisms and potential further considerations in this regard. Section IV contains a summary of common trends, as well as observations and conclusions, and section V outlines possible next steps.

## **II. Elements of peer review mechanisms subject to transition**

2. The present section contains an analysis of reforms that were adopted in one or several of the peer review mechanisms under consideration. They are clustered into nine “possible transitions”, representing dimensions of the peer review process that may be the focus of changes. The selection of topics is guided by the issues that came to the fore in the interviews conducted for the preparation of the present addendum. For each cluster, the nature of the changes, the context in which they arose and the experiences collected with specific changes are reviewed.

### **A. Themes covered in a new review phase**

3. The peer review mechanisms under consideration have taken different approaches to choosing topics for reviews. Most have started reviewing different or newly emerging topics during the transition to a subsequent phase. Examples of such an approach can be found especially in the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (MESICIC) and the evaluation process of the Group of States against Corruption (GRECO). The Working Group on Bribery in International Business Transactions has a comparatively narrower focus owing to the specific nature of the convention that it reviews, and thus the Working Group continues, for the most part, to cover the entirety of the convention. However, thematic expansion has nonetheless arisen, mostly in the form of “organic growth”, as expressed by one of the interviewees. This implies that new issues, such as whistle-blower protection, terrorist financing or the regulation of transactions involving virtual assets, do come under review. Representatives of the secretariats of these mechanisms highlighted that this approach allows them to focus on the most pressing or newly emerging issues while continuing to cover the entire convention. The approach has helped to maintain the practical relevance of the review exercise for the membership and at the same time underscored the need to balance new topics with equal treatment across all parties during multi-year review cycles. Given its universal focus on the entirety of applicable human rights standards, the universal periodic review has not undergone a similar evolution of its thematic focus.

4. Agreeing on new topics to be included requires reflection and negotiation to build consensus while keeping the entire membership on board. Interviewees report on the importance of finding topics that: (a) address new developments; (b) are relevant to and resonate with all States parties; and (c) are feasible in terms of the workload involved for the membership and the secretariat. This element is especially important in staggered review processes (see para. 5), in which unresolved recommendations from a previous cycle are carried over to the next.

5. A second (non-exclusive) way of making the transition to a new phase is to focus on the effective implementation of agreed standards. Most review mechanisms under

consideration (Working Group on Bribery, MESICIC, Financial Action Task Force (FATF) and GRECO) started by assessing the adequacy of legal and institutional frameworks in States parties under review and then moved on to reviewing practical implementation, that is, assessing whether domestic legislation was achieving the desired outcome. All of the review mechanisms under consideration also decided to focus on how recommendations made during previous assessments were implemented, either from the very inception of the review mechanism or early on in its existence. FATF and the Working Group on Bribery have pursued this strategy by focusing on areas where serious deficiencies or risks were identified in previous reviews. The scoping exercise carried out by FATF (CAC/COSP/IRG/2023/8, para. 13 (b)) is a good example of this approach, which also implies that the focus of reviews for each country is determined using a risk-based approach. Likewise, MESICIC includes questions about the implementation of earlier recommendations in its self-assessment questionnaires. The universal periodic review also tracks the extent to which States have followed up on accepted recommendations and seeks to engage civil society and other United Nations entities in that effort (see paras. 18–20 and 26).

6. The advantages of focusing on the effectiveness of domestic anti-corruption policies are obvious in terms of obtaining a more realistic and complete view of the situation on the ground. Moreover, reviewing how previous recommendations are addressed can enhance the authority and credibility of the review exercise and address persisting deficits (see also sect. II.E, on the follow-up process). However, there are also caveats. Challenges mentioned by interviewees, for instance in FATF, MESICIC, the Working Group on Bribery and GRECO, concern the methodological effort involved in assessments of effectiveness, the need for robust methodologies to ensure a common understanding of how to assess effectiveness and the application of those methodologies in practice, and the qualitative and quantitative data to be produced, which involved an increase in the resources required to conduct reviews. During the necessary consensus-building among the membership, secretariats have to rely on their authority as technical experts with the institutional memory needed to ensure a fair and equitable application of the review process throughout a review's life cycle. These norms of fairness and equality (i.e. submitting all States parties to the same standards of review) play a key role in the success of peer review exercises as accountability measures for implementing multilateral, treaty-based commitments. The assessment of effective implementation can lead to a demanding and complex review programme and requires sufficient training of reviewers and sufficient capacity in the secretariats of the review mechanisms. This is especially the case where States parties have the option of submitting updates on their progress in implementing recommendations between review cycles (see paras. 16 and 17).

## **B. Use of country visits**

7. Country visits are mandatory in four of the review processes covered in the note by the Secretariat on lessons learned from other review mechanisms (CAC/COSP/IRG/2023/8) and in the present addendum. They are not required in the universal periodic review<sup>1</sup> and the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>2</sup> which carry out desk-based reviews. In all four review mechanisms that require country visits, they are conducted by delegations of experts drawn from the membership. The introduction of mandatory country visits is an accepted and essential part of those four review mechanisms.

8. The experiences with country visits are uniformly positive. They are considered useful for clarifying missing or contradictory information in the self-assessment

<sup>1</sup> The universal periodic review does, however, reflect the results of country visits made in the context of special procedures or monitoring by one of the United Nations treaty bodies in its reports prepared for sessions of the Working Group on the Universal Periodic Review.

<sup>2</sup> In the Implementation Review Mechanism for the Organized Crime Convention, States parties decided to forgo country visits in the interest of cost-effectiveness and concision.

report, exchanging knowledge and good practices and expediting interactions. Country visits also make it possible to obtain additional information from governmental and non-governmental stakeholders and to consider their views and possible concerns. Another important function of country visits is to enhance the mutual dialogue between domestic stakeholders and reviewers, which can have important capacity-building functions and can also be useful for addressing recommendations in the follow-up stage. Country visits can thus lend greater domestic visibility to the peer review.

9. The mechanisms use different methods to select the respective interlocutors during the review process. The three principal options are: (a) letting the State party under review determine which stakeholders are consulted during a country visit; (b) letting the secretariat and the reviewers put together a “wish list” of interlocutors to be consulted; or (c) a self-nomination process in which stakeholders submit their views and may be included in the agenda of the country visit. All of the review processes covered use a combination of options (a) and (b). MESICIC and the Working Group on Bribery additionally employ option (c) by issuing open calls for submissions to upcoming country reviews. In MESICIC, stakeholders who respond and are considered to have submitted relevant information will, as a rule, be consulted during the country visit. The length of the country visits varies, but most review mechanisms reserve three to four days to allow a structured and extended engagement and travel to different destinations. Some review mechanisms allow remote participation. While that facilitates the participation of a broader range of actors and may be more cost-effective, it may also reduce the possibility of direct interaction, dialogue and peer learning among the participating experts and stakeholders.

### **C. Plenary discussion of country reports**

10. The plenary discussion of country reports is mandatory in five of the review processes covered. In the Implementation Review Mechanism for the Organized Crime Convention, in which there are no country reports and the written outcomes of country reviews are lists of observations, the summaries of those observations are discussed in the working groups of the Conference of the Parties to the Convention, while the general reports are discussed at plenary meetings of the Conference. Changes in this regard have been limited, as all of the review mechanisms provided for plenary discussions of the reports from the outset. In the universal periodic review, a decision was taken in 2011 to extend the duration of discussions of country reports in the Working Group on the Universal Periodic Review. More time was provided in particular for the question-and-answer part (interactive dialogue), during which States present their recommendations to the States under review. The intention was to provide speaking time for all States that wanted to raise points and for critical questions. FATF changed its approach to plenary discussions in 2012, narrowing the focus to a list of key substantive issues selected by the working group co-chairs on the basis of issues identified as priorities by both the assessed country and delegations of the global network, in order to allow a report to be discussed and adopted in a maximum of three to four hours. In other peer review mechanisms, the time reserved for the discussion of country reports has remained unchanged over the years.

11. Interviewees emphasized that the significance of the plenary discussion of country reports was twofold. First, it signalled to the membership (both the State party under review and its peers) that the discussion of country reports constituted an important occasion for learning from each other’s experiences and establishing peer accountability. Second, the reading of the report could be followed by a discussion of possible improvements in implementation and the formulation of recommendations or observations by the peers of the State party under review. That could happen either by endorsing the recommendations proposed by the reviewers or through a process of questioning and arriving at a set of common recommendations during the plenary discussion.

12. To address concerns about potential intrusions on sovereignty, many review mechanisms use plenary discussions and the lead-up to them to build consensus on recommendations. This is the case especially in MESICIC and GRECO, which use the plenary meetings to develop and amend the report and the corresponding recommendations. That approach helps to make those documents joint products of the entire membership and can promote the development of shared expectations and standards. It is reported that such a procedure does not stand in the way of formulating succinct recommendations, that is, there is no dilution of the message in order to achieve consensus. Rather, the plenary meeting secures consistency across different reviews and prevents the use of different assessment standards, a task that would otherwise rest on the shoulders of the secretariat. The Working Group on Bribery seeks to achieve consensus regarding the recommendations, even though its use of a “consensus minus one” model for adopting them may create a more adversarial process. Some interviewees emphasized the limits to such an adversarial model in terms of lacking country ownership and a growing number of recommendations that await implementation.

#### **D. Publication of materials and transparency of the review exercise**

13. Four of the six review mechanisms under consideration have stringent systems with regard to putting materials (country reports, meeting summaries and peer recommendations) online, while GRECO and the Implementation Review Mechanism for the Organized Crime Convention provide the option of declining publication of the full outcome of country reviews, but still require publication of summaries of reviews. The publication of outcome documents is seen as a means of creating transparency regarding the state of implementation of international standards and as an opportunity for engagement by public stakeholders and better follow-up on the ground.

14. Transitions in this respect have been numerous but focused on smaller steps. Interviewees highlighted the following measures employed to raise the public visibility of the review exercises:

(a) Since its entry into the third cycle, the universal periodic review has upgraded the country-specific documentation on its web page. Each section contains a letter from the United Nations High Commissioner for Human Rights to the national authorities highlighting the main recommendations emerging from the review, a matrix of thematically clustered accepted and noted recommendations, and additional information.<sup>3</sup> Similarly, the Working Group on Bribery,<sup>4</sup> MESICIC,<sup>5</sup> GRECO<sup>6</sup> and FATF<sup>7</sup> publish country-specific information;

(b) The organization of high-level press conferences in the capital of the State party under review. This measure is most frequently used by the Working Group on Bribery;

(c) A small but significant change is the requirement that review documents be translated into the respective local language, either by the secretariat or the State party itself, to raise awareness of the review outcomes. GRECO has placed particular emphasis on this measure, while the Working Group on Bribery requires its members to translate press statements concerning the State party under review into the national language and to disseminate the results of reviews domestically. The secretariat of the universal periodic review encourages States, civil society organizations and national human rights institutions to promote translations of accepted recommendations.

<sup>3</sup> See [www.ohchr.org/en/hr-bodies/upr/documentation](http://www.ohchr.org/en/hr-bodies/upr/documentation).

<sup>4</sup> See [www.oecd.org/corruption/anti-bribery/anti-briberyconvention/oecdworkinggrouponbriberyininternationalbusinesstransactions.htm](http://www.oecd.org/corruption/anti-bribery/anti-briberyconvention/oecdworkinggrouponbriberyininternationalbusinesstransactions.htm).

<sup>5</sup> See [www.oas.org/en/sla/dlc/mesicic/paises-home.html](http://www.oas.org/en/sla/dlc/mesicic/paises-home.html).

<sup>6</sup> See [www.coe.int/en/web/greco/evaluations](http://www.coe.int/en/web/greco/evaluations).

<sup>7</sup> See [www.fatf-gafi.org/en/countries.html](http://www.fatf-gafi.org/en/countries.html).

15. There may be fears that the publication of review documents could inhibit peer learning or make interactions among the peers more cautious. Interviewees, however, report that this is not the case, and that discussions continue to be frank and open, for instance in the Working Group on Bribery, which maintains strong public transparency, thus demonstrating that making the final documents available to the public can be combined with the confidentiality of discussions. The Working Group on Bribery and MESICIC remove potentially sensitive information from the public versions of documents. The only peer review mechanism that publishes the actual discussions in the meetings of States is the universal periodic review. The interactive dialogues in the Working Group on the Universal Periodic Review and discussions on the adoption of review outcomes in the Human Rights Council are webcast and can be watched online, both live and after the meeting.<sup>8</sup> There are no specific negotiations about the wording of the documents during the sessions of the Working Group on the Universal Periodic Review, as the plenary meeting of the Council provides an opportunity for States and civil society organizations to make statements regarding the outcomes of the Working Group's deliberations and States have the opportunity to review a summary of the statements and request changes in writing after the Working Group session.

## **E. Follow-up process**

16. The organization of the follow-up to country reviews has been the focus of numerous reform discussions. All of the review mechanisms under consideration have experienced some changes in this respect. The key consideration was how to make sure that recommendations or observations from the reviews are revisited at a later stage, with a view to triggering implementation efforts, facilitating peer learning from successful policies and identifying bottlenecks or technical assistance needs for implementing recommendations. Returning to the findings of earlier review cycles can enhance the political status and credibility of peer reviews, as it helps to ensure that country reports and recommendations are meaningfully implemented and used for further improvement in later phases of the review process. Such efforts, however, need to be balanced with the proliferation of follow-up measures and processes as the review cycle matures, as is the case in the Working Group on Bribery.

17. In terms of how to organize follow-up procedures, there are various options that have been employed in past transitions:

(a) Mandatory reporting, in which the State party under review provides information on how recommendations and problems have been addressed. This is a standard element in the evaluation process of FATF, GRECO, the Working Group on Bribery and MESICIC (see para. 5). It allows the secretariat and peers to return to the full set of findings and recommendations during the next review cycle and to ensure that recommendations from earlier reviews are heeded. GRECO in particular has put great effort into developing an elaborate compliance procedure in which progress in implementing recommendations is reviewed in several iterations. There can also be lighter reviews in which only the most urgent or significant changes or recommendations are revisited;

(b) Optional reporting between regular review cycles, in which States parties can report voluntarily on how they have addressed specific recommendations and observations made by their peers. Such an option is, for instance, provided for in the Implementation Review Mechanism for the Organized Crime Convention and in the monitoring system of the Working Group on Bribery and may work as an incentive to implement recommendations more quickly. One problem in this respect is the workload involved in assessing the substance of individual improvements, which is borne by the secretariat and the reviewers;

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<sup>8</sup> See <https://media.un.org/en/search/categories/meetings-events/human-rights-council/universal-periodic-review>.

(c) FATF, the Working Group on Bribery and GRECO have the option of both continued monitoring and exerting strong pressure on countries with implementation gaps through additional follow-up measures. Such measures include publishing the names of the respective countries, sending letters to ministers, issuing starkly worded press statements, sending high-level or technical missions and requiring additional oral or written follow-up reports (Working Group on Bribery, GRECO). A system of publicly naming countries that have strategic deficiencies in implementing the agreed standards (as implemented by FATF) similarly sends signals to the private sector and the international community. Such sanctions are found to be damaging from a reputational perspective and may lead to a more rigorous form of peer review follow-up monitoring, as observed by one of the interviewees;

(d) GRECO maintains the option of “ad hoc procedures” (rule 34). These are extraordinary reviews that can be triggered in the case of concerns about backsliding. If GRECO receives reliable information indicating that an institutional reform, legislative initiative or procedural change in a member State may result in a serious violation of a Council of Europe anti-corruption standard that has been the subject of any GRECO evaluation rounds, GRECO may initiate an ad hoc procedure in respect of that member State and can issue corresponding recommendations, which are then followed up.

## **F. Inclusion of non-governmental actors**

18. Non-governmental actors, including representatives of civil society, independent experts, the business sector, academia, professional associations and others, are involved in various ways in all the review mechanisms under consideration. They can take on various relevant roles in peer review procedures:

(a) As providers of additional information on the situation in the State party under review. Such information can be either submitted to the State party in preparing its self-assessment or collected by the reviewers and the secretariat in the preparation of the independent assessment of the country. The latter option is used by most of the review mechanisms under consideration, whereas the former option is used in the Implementation Review Mechanism for the Organized Crime Convention;

(b) All of the review mechanisms that rely on country visits (Working Group on Bribery, GRECO, MESICIC and FATF) involve non-governmental actors. The secretariats and reviewing experts schedule sessions for consultations with non-governmental actors at their own discretion and through multi-stakeholder meetings organized by Governments. The secretariats actively reach out to the respective non-governmental actors to solicit their views, especially in preparation for country visits (see para. 9);

(c) The universal periodic review allows non-governmental actors to participate in the plenary deliberations of the Human Rights Council and to make their views heard during the formulation of assessments and recommendations to the State under review;

(d) Interviewees noted that, more broadly, non-governmental actors can also serve as independent monitors on the ground after a review has been concluded. They can push for greater transparency (e.g. the publication of review documents) and draw continued attention to the national follow-up to recommendations, including by acting as partners in implementing recommendations. They can also alert reviewers and the public to possible cases of backsliding on previous commitments.

19. The mechanisms under consideration have initiated a number of reforms to facilitate the involvement of non-governmental actors, while at the same time clarifying the rules regarding the engagement of such actors. Notable initiatives in this respect include:

(a) The issuance of guidelines by GRECO, the universal periodic review and MESICIC for countries under review or non-governmental stakeholders on the way

in which non-governmental actors should be involved in the information collection stage. In the guidelines, countries under review are encouraged to consult with local stakeholders in the preparation of national self-assessments. The peer review monitoring procedures of the Working Group on Bribery include similar encouragements;

(b) The development of an elaborate consultation framework for non-governmental actors in the universal periodic review, which was formalized during the third and fourth cycles. First, one of the reports prepared for meetings of the Working Group on the Universal Periodic Review includes submissions by non-governmental actors, civil society organizations and national and regional human rights institutions. Second, the universal periodic review allows non-governmental stakeholders in consultative status with the Economic and Social Council to observe, in the room, the meetings of the Working Group during the interactive dialogue and to make plenary statements during the adoption of universal periodic review reports in the Human Rights Council.<sup>9</sup> Third, the universal periodic review allows non-governmental organizations (NGOs) to host side events to meetings of the Human Rights Council or the Working Group. A Geneva-based NGO (UPR Info<sup>10</sup>) facilitates such side events. One unique feature of this arrangement is the organization of pre-session meetings, usually on the day before the interactive dialogue on a country review. UPR Info invites civil society organizations and delegates from member States to those meetings, which may sometimes succeed in setting the tone for the upcoming discussion of the State party under review. Finally, the secretariat of the universal periodic review encourages the submission of midterm reports by States and stakeholders to the universal periodic review, and those reports are published on the web page of the universal periodic review;<sup>11</sup>

(c) In the light of the sensitive nature of policies to curb corruption, fight organized crime and address human rights matters, some of the review mechanisms under consideration have taken precautions to protect participating civil society organizations and other non-governmental actors against reprisals. Measures in this respect include separate meetings with civil society organizations outside of government consultations (MESICIC, GRECO and Working Group on Bribery), the use of interpreters provided by the secretariat (as opposed to interpreters provided by the State party under review), the possibility of anonymous submissions and the establishment of a contact point for civil society organizations that have experienced intimidation (universal periodic review).

20. From the point of view of the secretariat representatives consulted, experiences with the involvement of non-governmental stakeholders in the review exercise have been positive. The contributions of such stakeholders are considered to improve the quality of country reports issued by the peer review mechanisms and to help with domestic follow-up. MESICIC and the universal periodic review have the most welcoming arrangements, allowing NGO participation in virtually all stages of the review, with the final discussion of the reports in the plenary meetings of MESICIC being purely intergovernmental; on the other hand, GRECO, the Working Group on Bribery and FATF alternate between consultation and confidential phases during plenary meetings. Constructive dialogues under the Implementation Review Mechanism for the Organized Crime Convention have been held, with increased contributions and interest from non-governmental stakeholders.

<sup>9</sup> A similar system applies in the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption.

<sup>10</sup> See [www.upr-info.org/en](http://www.upr-info.org/en).

<sup>11</sup> See [www.ohchr.org/en/hr-bodies/upr/ng-os-mid-term-reports](http://www.ohchr.org/en/hr-bodies/upr/ng-os-mid-term-reports) and [www.ohchr.org/en/hr-bodies/upr/nhr-is-mid-term-reports](http://www.ohchr.org/en/hr-bodies/upr/nhr-is-mid-term-reports).



## **G. Addressing delays**

21. Most of the review mechanisms under consideration face some problems with delays arising from the late or incomplete submission of information (e.g. long delays in the submission of self-assessment questionnaires) or delayed procedural steps (e.g. delayed appointment of country focal points and reviewers, creating knock-on effects in later stages of reviews). The factors causing such delays vary and reportedly range from a lack of administrative capacity, competing demands and scheduling constraints at the country level to cumbersome and partly unclear review procedures, ambitious and technically complex review programmes, multiple or parallel review processes and low domestic priority of participating fully in the reviews. Some procedures are plagued by delays more than others. FATF, GRECO, MESICIC and the universal periodic review reportedly face fewer problems in this respect.

22. With regard to measures taken to address delays, the following were mentioned, apart from sending reminders or notes verbales:

(a) The setting of clear deadlines and schedules for the review, agreed early in the review cycle by the member States. This system is, for instance, practised in MESICIC. In other review mechanisms (e.g. the universal periodic review), the decisions on the review schedule are taken about one year in advance, leaving less lead time for the State under review and the reviewers. Approving the timeline in the plenary of member States (as opposed to bilateral agreements) may increase its binding nature. Delays would then have to be justified to the conference of the parties and not just to the secretariat and reviewers; this approach reportedly had a positive effect in MESICIC. FATF procedures provide specific guidance on the importance of respecting timelines and outline the consequences of any failure to do so;

(b) Reducing administrative effort by streamlining questionnaires or narrowing the scope of reviews. Such measures may be expected to reduce the effort needed to complete the self-assessment checklists or to act as an external reviewer and have been tested in some review mechanisms (FATF, Working Group on Bribery). Downsizing the questionnaire or narrowing the scope of the review, however, can have downsides. It may reduce the significance of the exercise to some countries and affect the comprehensiveness and depth of the review. When a reduced scope of the review exercise is linked to a stronger focus on the effectiveness of implementation, there may be no reduction in the resources required to conduct reviews, as was experienced in one review mechanism;

(c) Clear guidance documents on what information has to be submitted and in which format so as to avoid mistakes and misunderstandings. The provision of training and technical assistance to the State party under review in this regard was highlighted. The secretariats of most review mechanisms have been engaged in such efforts;

(d) A corollary effort to providing clear guidance is the training of reviewers. Most secretariats, especially those of GRECO, FATF, MESICIC and the Working Group on Bribery, engage in training for reviewers and also issue extended guidance documents for them. The Implementation Review Mechanism for the Organized Crime Convention does the same, but relies mostly on self-paced online training because of resource constraints. The importance of training was consistently underscored, especially in the case of mechanisms that draw on reviewers with different professional backgrounds and varying levels of capacity;

(e) The use of more user-friendly information technology solutions for the submission of review documents (see sect. II.H below).

## **H. Use of information technology tools to support the review exercise**

23. Some peer review mechanisms, especially those in the United Nations system, have begun to make use of online databases and other electronic tools to facilitate

specific aspects of the review procedure. Three examples that have been tested in the mechanisms under consideration are discussed below. One consideration in this respect is the user-friendliness and stability of such information technology tools in countries with less powerful or reliable Internet connections.

24. A software application was developed to facilitate the drawing of lots in the context of the Implementation Review Mechanism for the Organized Crime Convention. The application supports the division of States parties into three groups and the random assignment of reviewing States to countries under review, observing the various rules and requirements that apply. The software is reported to function well and to have facilitated and accelerated the assignment of reviewers, although concerns with regard to the transparency of the system have been raised.

25. The RevMod platform is used in the Implementation Review Mechanism for the Organized Crime Convention to host the main part of country reviews and facilitate the completion of self-assessments, the preparation of the written outcomes of reviews and communication between reviewers and parties under review.<sup>12</sup> The universal periodic review uses a similar online tool to accept submissions from civil society organizations.<sup>13</sup> Other review mechanisms rely on the submission of stakeholder views by email.

26. The National Recommendations Tracking Database, used by the universal periodic review and the other human rights monitoring bodies of the United Nations, is a web-based tool that is aimed at providing States with an overview of all recommendations addressed to them.<sup>14</sup> As mentioned above, recommendations received through the universal periodic review can be numerous because they are made on a bilateral basis between States. In parallel, the various human rights treaty bodies make their own recommendations to States. The Database also helps with the planning and coordination of activities to implement recommendations and to track progress, involving the various ministries and institutions participating in the process at the domestic level. Moreover, the tool can be used to prepare reports for the relevant human rights mechanisms. It is intended to enhance the capacity of States for timely and complete reporting to United Nations mechanisms, and as such is part of the capacity-building programme of the Office of the United Nations High Commissioner for Human Rights. A similar system may be of value in the anti-corruption field, especially in cases where States parties are reviewed by multiple mechanisms (see sect. II.I below).

## **I. Capacity of participants in review mechanisms**

27. A recurring theme in the interviews conducted in the preparation of the note by the Secretariat on lessons learned from other review mechanisms (CAC/COSP/IRG/2023/8) and the present addendum was the administrative, technical and financial effort involved in peer reviews. This pertains to all three principal participants in a review exercise: the country under review, the reviewers drawn from the membership, and the secretariats. The delays arising to a smaller or larger extent in all of the peer review mechanisms under consideration are one symptom. Conducting an ambitious and meaningful peer review requires an adequate level of financial support, sufficient staff time and professional training for participants, especially in a highly complex and potentially sensitive field such as the fight against corruption, as well as an explicit and lasting commitment from the Governments involved in these systems.

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<sup>12</sup> See [www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/revmod.html](http://www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/revmod.html).

<sup>13</sup> See <https://uprdoc.ohchr.org/>.

<sup>14</sup> See <https://nrtcd.ohchr.org/en/>.

### III. Enhancing synergies between different peer review mechanisms

28. The existence of multiple peer review mechanisms in the anti-corruption and money-laundering field has led to discussion about the possible duplication of efforts and the coherence between those mechanisms. In resolution 7/4 of the Conference of the States Parties to the United Nations Convention against Corruption, States parties highlighted the importance of avoiding duplication of effort, limiting the burden on States parties that are reviewed under different review mechanisms with similar thematic areas and ensuring the cost-effectiveness of the mechanisms. Cooperation and coordination between the secretariats of different mechanisms take place on a regular basis, and the secretariat regularly briefs the Conference and the Implementation Review Group on those efforts. At the same time, the influence of the secretariats in this area is limited, as the States parties are in charge of designing the scope and themes of the review mechanisms. During the interviews, several secretariats noted the issue of “review fatigue”, indicating an exhaustion of resources that countries are able and willing to devote to the various reviews.

29. In its resolution 7/4, the Conference called upon States parties that are members of different multilateral review mechanisms in the field of anti-corruption to encourage, within their respective organizations and with the governing bodies of those organizations, efficient and effective cooperation and coordination between the secretariats of those review mechanisms and the secretariat of the Conference, while respecting the mandates of all review mechanisms.

30. Some interviewees believed that discussions regarding the next phase of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption could provide an opportunity for States to more practically consider the issue of synergies and avoiding duplication of effort when designing the next phases of the mechanisms, in particular as the Working Group on Bribery, GRECO and the Implementation Review Mechanism for the Convention against Corruption are preparing for new phases in parallel. While the focus of reviews by FATF, GRECO and the Working Group on Bribery is quite different, there are greater overlaps between the instruments under review in those mechanisms and the Implementation Review Mechanism for the Convention against Corruption than with others. While acknowledging the different membership of these bodies, several ways to enhance synergies were already suggested by States parties in the note by the Secretariat on lessons learned and views on potential areas for improvement of the Implementation Review Mechanism ([CAC/COSP/IRG/2023/3](#)), which was presented to the Implementation Review Group at its fourteenth session.

31. Taking into account the differences in the thematic scope, depth and stages of the different mechanisms, as well as their respective governing rules and procedures, the interviewees highlighted the following points that could be taken into account during the design of the next phase:

(a) Considering the feasibility of aligning the schedules of different review exercises on a case-by-case basis, to the extent possible and desired by States under review, so as to either concentrate the reviews of one country at the same time or avoid the overlapping of review periods, taking into account practical considerations, the stages of individual reviews and past experience in this regard;

(b) Continuing to allow for the organization of joint country visits for various peer review mechanisms, building on the above-mentioned constraints and lessons learned from past joint visits;

(c) Exploring ways to optimally use information collected for one review exercise as underlying, additional or complementary information in another review;

(d) As a corollary to the previous point, referring in one review exercise to the recommendations made in another one, to the extent that the recommendations are

valid and relevant to the assessment, thus improving coherence between recommendations and enhancing the expectation that they will be heeded;

(e) Continued exchange of experiences by the secretariats of the respective review mechanisms.<sup>15</sup> Such mutual exchanges can be facilitated by secretariat staff participating as observers in the reviews of other mechanisms.

32. As noted, opportunities for synergies between peer review mechanisms may be limited by a number of factors:

(a) Interviewees report that synergies may be inhibited by the different formats and procedures employed in the mechanisms. This concerns, for instance, the different thematic focus areas and stages of review processes, different self-assessment questionnaires with diverging requirements, different assessment methods and different rules for the involvement of non-State actors;

(b) Finally, the problems of overlap may be more pressing for States parties that are reviewed in numerous exercises than for States parties that are under review by the Implementation Review Mechanism for the Convention against Corruption only, or at most by one other mechanism. States may thus wish to take into account the fact that synergies may require a certain amount of flexibility and may wish to allow the potential adaptation of a review of an individual State to other reviews that it may be undergoing.

#### **IV. Observations and trends identified**

33. The review of reforms undertaken in other peer review mechanisms since their inception has revealed a number of trends. While each mechanism is different, common elements in their trajectories of development exist. Such trends concern the following observations, which States parties may wish to take into account in the design of the next phase of the Implementation Review Mechanism for the Convention against Corruption:

(a) Many mechanisms have moved on from reviews focusing on the adequacy of national legislation to a review of the actual application of those rules. The divergence between law in the books and law in practice is a recurring theme in the interviews. A focus on how laws and policies are implemented can provide a more realistic and comprehensive understanding of the situation, although the availability of adequate resources may be a consideration in this regard;

(b) At the same time, having an appropriate process to monitor and follow up on previous review findings is considered equally important in the transition to subsequent rounds of review. Effective follow-up to recommendations is key to enhancing the implementation of anti-corruption instruments and the sustainability of reforms. A follow-up mechanism can take many different forms, including that of a complementary framework for States to organize their follow-up domestically, such as through a software portal provided to States to assign responsibilities for individual recommendations to different agencies. Similarly, States may wish to discuss how to increase the visibility of technical assistance needs identified through the reviews to facilitate a more coordinated approach to addressing implementation gaps identified through reviews;

(c) Focusing on effective implementation has led to the consistent use of country visits. It is often only through direct contact with stakeholders in the State party under review that an understanding of implementation successes and challenges can be achieved. While country visits involve a greater administrative and financial

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<sup>15</sup> This approach is the focus of the “synergies group” set up between the secretariats of the various review exercises in the anti-corruption field. See, for instance, [www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/4-6June2018/V1803677e.pdf](http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/4-6June2018/V1803677e.pdf).

burden, the interviewees consistently pointed out that the reviews would be less accurate, impactful and relevant without such visits;

(d) Engagement with non-governmental stakeholders is a feature of all the mechanisms discussed in the note by the Secretariat on lessons learned from other review mechanisms (CAC/COSP/IRG/2023/8) and the present addendum, in which their contributions are recognized as enhancing the review mechanisms;

(e) One important discussion in many peer review mechanisms is how to keep the review exercise both relevant and manageable for the membership. Many mechanisms have responded to this concern by varying the themes that reviews focus on in different review cycles. Choosing such themes wisely requires time and progressive consensus-building. Ultimately, the design of a review phase must ensure that the review mechanism remains both practically relevant and manageable. For example, while choosing a thematic focus can be a difficult endeavour, settling on a narrower topic can help to address recent developments in the anti-corruption field, while a focus on implementation can help to give a realistic and complete view of the situation on the ground. An increased focus on implementation and effectiveness might require a reduction in the scope of topics reviewed in order to keep the review process manageable;

(f) The important role of secretariats in different aspects of the reviews, including in the provision of training, technical assistance and capacity-building to governmental experts of reviewing and reviewed States, in assisting in the collection and analysis of information, and in supporting consistency and the timely conduct of reviews, was mentioned as a key factor affecting the successful operation and transition of the review process to future phases;

(g) The capacity of both the participating States and the secretariat must be ensured in order for a review mechanism to function effectively. States may thus wish to explore stronger synergies between the review mechanisms in which they participate in order to streamline methods and approaches and ensure the complementarity of recommendations across review exercises, and should ensure that the Implementation Review Mechanism for the Convention against Corruption and its secretariat are adequately resourced. While the number of staff in each secretariat varied greatly, one feature observed during the interviews was that other secretariats (with the notable exception of the secretariat of the Implementation Review Mechanism for the Organized Crime Convention) had more substantive staff working on reviews than the secretariat of the Implementation Review Mechanism for the Convention against Corruption, which helped to facilitate effectiveness and avoid delays in reviews. By extension, States involved in peer reviews also need to ensure the availability and adequate capacity of their governmental experts participating in the review exercise;

(h) The use of information technology tools can save some costs and make the documentation and the tracking of workflows more efficient, but it can also create problems in terms of reducing the “human factor” and creating obstacles to participation. A user-friendly information technology solution is important for the effectiveness of reviews. As views on user-friendliness differ, flexibility or different options may help, such as providing a choice between an online portal or a word-processing document to submit responses to a self-assessment checklist.

34. Additional points that emerged during the interviews include the following:

(a) The principles of transparency, efficiency, non-intrusiveness, inclusiveness and impartiality must remain the cornerstones of the review process in order to ensure equal treatment of and engagement by all States;

(b) The submission of information that is most relevant to the review enhances effectiveness and reduces the burden on States under review, reviewing States and secretariats. A tailored checklist with precise questions may assist in that endeavour;

(c) Impact can be increased dramatically by small measures, such as the translation of executive summaries into the languages of States under review, to increase ownership and allow for a wider dissemination of the review results among domestic stakeholders;

(d) The presence of review teams in the plenary meetings of the review mechanisms increases ownership of country reviews and facilitates the consistent sharing of experiences regarding challenges and good practices among practitioners involved in reviews;

(e) The presentation of review results in the plenary meetings enhances the transparency of the reviews and allows for the exchange of lessons learned, challenges and good practices.

## V. Next steps

35. In line with the observations made in the note by the Secretariat on lessons learned from other review mechanisms ([CAC/COSP/IRG/2023/8](#)) and in the present addendum, delegations discussed options regarding the scope and themes of the next phase of country reviews during the fourteenth session of the Implementation Review Group, building on the note by the Secretariat on lessons learned and views on potential areas for improvement of the Implementation Review Mechanism ([CAC/COSP/IRG/2023/3](#)). Many delegations suggested a greater focus on the practical implementation, effectiveness and impact of measures taken, and several speakers suggested that a dedicated follow-up mechanism be established for the next phase, as that was regarded as the main weakness of the Mechanism. The possibility of varying the themes that reviews would focus on in different review cycles also found favour with some delegations. Delegations discussed a number of the related observations identified above, such as those regarding the self-assessment checklist, timelines for reviews and the format of outcome documents.

36. States parties may want to draw on the information presented in document [CAC/COSP/IRG/2023/8](#) and in the present addendum and the outcomes of the deliberations of the Implementation Review Group in the process of formulating a decision regarding the next phase of the Mechanism. To that end, delegations also recommended that the Conference, at its tenth session, adopt a decision to extend the second cycle of the Mechanism until 31 December 2025, and one delegation recommended that a completion threshold be included in that decision.

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