



Conference of the States Parties to the United Nations Convention against Corruption

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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: experiences collected in transitions by other peer review mechanisms (part I)

Note by the Secretariat

Summary

The present note contains a review of the experiences collected in six peer review mechanisms in relation to their transition from initial to follow-up review phases, as well as other institutional reforms and lessons learned. The note should be read together with its addendum ([CAC/COSP/IRG/2023/8/Add.1](#)), which contains a review of nine possible dimensions of changes to peer review mechanisms, based on the transitions that the mechanisms underwent. The concluding summary in the addendum to the present note 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.

I. Introduction

1. At the first and second resumed thirteenth sessions of the Implementation Review Group, the Group began discussing the preparations for the next phase of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. The note by the secretariat on the performance of the Mechanism and the measures required for the completion of the first phase of the Mechanism, as well as initial considerations regarding the next phase ([CAC/COSP/IRG/2022/9](#)) contained a list of the existing mandates regarding the next review phase and proposed steps that the Group might wish to consider in concluding the current phase and launching the next phase of the Mechanism.



2. During the deliberations, speakers noted that lessons learned and good practices arising from other relevant review mechanisms should also be taken into account when designing the second phase of the Implementation Review Mechanism, in order to ensure synergies with such review mechanisms. In that regard, in order to benefit from the experience of other mechanisms that had already moved beyond the first phase, the Implementation Review Group requested the secretariat to invite speakers from other secretariats and to prepare a paper containing an analysis of lessons learned from existing review mechanisms of relevant regional, sectoral and international instruments for the consideration of the Group.

3. The present note and its addendum contain a review of the experiences collected in six peer review mechanisms in relation to their transition from initial to follow-up review phases, as well as other institutional reforms and lessons learned. The following four largest existing peer review mechanisms in the field of corruption and money-laundering and two other major United Nations peer review mechanisms are considered:

- (a) Group of States against Corruption of the Council of Europe (GRECO);
- (b) Financial Action Task Force (FATF);
- (c) Organization of American States (OAS) Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (MESICIC);
- (d) Organisation for Economic Co-operation and Development (OECD) Working Group on Bribery in International Business Transactions;
- (e) Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;
- (f) United Nations universal periodic review.

Other peer review mechanisms that touch upon issues of corruption without specifically focusing on this area are not included owing to feasibility considerations.¹

4. The present note and its addendum contain analyses of the operation of the six peer review mechanisms, experiences gained from their operation and significant reforms that have been carried out since their inception. Many reforms of peer review mechanisms have been undertaken in the transition from one review phase to the next. Others have resulted from regular appraisals of the mechanisms by States parties and practical experiences gained in the conduct of peer reviews, including the administrative effort involved and the response to delays. Reforms have focused on several elements, such as the organization of the different review stages (information collection, dialogue with the State party under review, evaluation and assessment and follow-up) or broader aspects of the review (e.g. its thematic scope or participation by non-State actors). All of these elements are covered by the term “transitions” in the present note and its addendum.

5. The present note and its addendum have been prepared on the basis of desk research and expert interviews conducted with members of the secretariats of the respective peer review mechanisms. The willingness to share experiences and to speak openly about the challenges that may exist in the reviews is gratefully acknowledged. In addition to the information gathered through interviews, publicly available documents and relevant academic literature were consulted.²

¹ Those mechanisms include the African Union New Partnership for Africa’s Development African Peer Review Mechanism, the implementation review mechanism of the Arab Anti-Corruption Convention, the European rule of law mechanism, the Organisation for Economic Co-operation and Development (OECD) Economic and Development Review Committee, the OECD Development Assistance Committee and the World Trade Organization Trade Policy Review Mechanism.

² In order to protect the anonymity and confidentiality of interlocutors in the respective secretariats, no verbatim quotations are included and no specific references are made to the interviews on the following pages. To ensure the readability of the document, no references to the

6. The present note contains an overview and comparison of the six peer review mechanisms, including their basic design and specific features, and the most significant reforms carried out since their inception. The addendum to the present note contains a review of nine possible dimensions of changes to peer review mechanisms, based on the transitions that the mechanisms underwent. The section on synergies contained in the addendum provides information on ongoing efforts to enhance synergies among the review mechanisms and potential further considerations in this regard. The concluding section of the addendum contains a summary of common trends, as well as observations and conclusions, while the final section outlines possible next steps. The present note and its addendum seek to provide a neutral and fact-based evaluation, without making recommendations to the Implementation Review Group on desirable reforms as the Implementation Review Mechanism makes the transition to its second phase. Furthermore, experiences collected in relation to the Implementation Review Mechanism itself are not included, as a separate note by the Secretariat on lessons learned and views on potential areas for improvement of the Mechanism (CAC/COSP/IRG/2023/3) was presented to the Group at its fourteenth session and the topic forms part of the regular deliberations of the Group.

II. Six peer review mechanisms

A. Council of Europe Group of States against Corruption

7. GRECO reviews compliance with the anti-corruption standards of the Council of Europe, including the Criminal Law Convention on Corruption and the Additional Protocol thereto and the Civil Law Convention on Corruption. Membership of GRECO, which was established under an enlarged partial agreement of the Council of Europe, is not limited to States members of the Council of Europe. Any State that took part in the drafting of the enlarged partial agreement may join by notifying the Secretary-General of the Council of Europe. Moreover, any State that becomes a party to the Criminal Law Convention on Corruption or the Civil Law Convention on Corruption automatically accedes to GRECO and its evaluation procedures. Currently, GRECO comprises 48 member States (46 European States, plus Kazakhstan and the United States of America). Established in 2000, slightly later than the OECD Working Group on Bribery, GRECO has focused primarily on the review of public sector corruption. The thematic scope of the Group's reviews has shifted over the five phases that the mechanism has been through since its inception, with an initial focus on the adequacy of legislation and the repressive aspects of the fight against corruption, and a subsequent focus not only on legislation but also on its actual implementation, as well as a move towards preventing corruption and enhancing integrity in relation to members of parliament, judges and prosecutors, top executive officials in central Government and law enforcement agencies, and transparency of party funding.

8. Each review is based on a self-assessment questionnaire, a desk review by the evaluation team and a one-week country visit, which includes dialogues with a wide range of public officials, as well as representatives of civil society. The evaluation team consists of experts appointed by member States. The secretariat and the evaluation team provide an evaluation of laws, policies and institutional arrangements, along with suggested recommendations to the member State under review. The country report is discussed in plenary meetings of GRECO, which are attended by technical experts rather than diplomats. After possible requests for changes by member States have been resolved, the country report and the recommendations are adopted by the plenary on the basis of the "consensus minus

academic literature are included. A limited number of references to other documents are made, where appropriate.

one” principle.³ While the publication of country reports on the Group’s web page is voluntary for the member State under review, it has developed into a standing practice.

9. Follow-up to the recommendations is a structured and mandatory process in which the member State under review has to submit a “situation report” after 18 months. That report is again reviewed by GRECO, resulting in a compliance report that assesses whether the recommendations made to the member State in the evaluation report have been implemented. The member State then has another 18 months to address areas in which the compliance report has concluded that the recommendations have been partially or not implemented. The appraisal by GRECO leads to an addendum to the compliance report and, in the case of a consistent lack of implementation, further actions by GRECO (e.g. dispatch of official letters to the member State under review drawing attention to insufficient implementation of the relevant recommendations, high-level missions, a declaration of non-compliance).

10. The most significant changes made in the GRECO evaluation process since its inception are as follows:

- (a) Changes in the focus of the different review rounds, as mentioned above;
- (b) Development of the compliance system, including its specific procedures and deadlines;
- (c) Continuous clarification of assessment standards to identify a lack of implementation or compliance with recommendations.

B. Financial Action Task Force

11. The aim of FATF is to combat money-laundering, terrorist financing and proliferation financing. It has developed a list of 40 recommendations with a glossary of specific terms and interpretive notes (the FATF standards). FATF has 39 members, but more than 200 jurisdictions are part of its global network and most are members of FATF-style regional review bodies. FATF reviews both technical compliance (i.e. the adequacy of national legislative, regulatory and institutional frameworks) and the effectiveness of those frameworks. There is a comprehensive methodology for conducting assessments, and quality and consistency reviews are conducted to ensure that the standards and methodology are applied consistently. The FATF recommendations were first published in 1990 and were completely revised in 2012. Since then, the FATF standards have been revised periodically to address new and emerging threats, including revisions that have taken effect during an assessment round.

12. The mutual evaluations of FATF and its global network are based on desk reviews and on-site visits by assessment teams of experts drawn from the membership and observers, which include “assessor bodies” and other international organizations. Members of the assessment team are appointed by the President of FATF and selected from a pool of trained assessors depending on the expertise required for an assessment, including language and legal background. Consultations with competent authorities and stakeholders, including civil society and the private sector, are part of the visits. The assessors draft a mutual evaluation report that includes key findings and recommended actions to improve the assessed country’s technical compliance and effective implementation of the FATF standards. The report undergoes multiple cycles of discussion and review between the assessed country and the assessors before consideration by the meetings of FATF and the regional review bodies, as well as relevant working groups. The report is adopted by consensus at a plenary meeting of FATF or the regional body, subject to any changes arising from the plenary discussion. Follow-up is conducted through a regular follow-up process – the default mechanism

³ This means that decisions on recommendations are taken unanimously among member States; however, the member State under review is excluded from voting.

for countries with less serious deficiencies – in which the assessed country reports on the progress achieved in the three years after the adoption of the report. Enhanced follow-up is applied where countries have more serious deficiencies, and they generally report their progress annually. Countries found to have significant deficiencies can also be subject to monitoring by referral to the International Co-operation Review Group, which typically entails agreement to an action plan to address the deficiencies and an evaluation of the implementation of that action plan by a regional working group, referred to as a joint group, as well as high-level political commitments by the assessed jurisdiction to undertake the necessary reforms. The list of countries under enhanced monitoring is public, and exit from enhanced monitoring is approved in the joint group, the International Co-operation Review Group and the plenary of FATF.

13. The most significant changes made to the FATF mutual evaluations are as follows:

(a) Between the third and fourth round, when FATF adopted a more comprehensive approach focused on assessing the effectiveness of implementation in addition to technical compliance, and a risk-based approach to complement the previous focus on compliance. This led to the addition of immediate outcomes to assess effectiveness and an extensive revision of the methodology;

(b) The introduction of a “scoping exercise” at the beginning of each assessment to help focus assessments on areas of greater risk and on standards where serious deficiencies or significant changes were identified. The scoping exercise was further enhanced and expanded for the next round of mutual evaluations.

C. Organization of American States Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption

14. MESICIC was adopted in 1996 and has been in operation since 2002. Aside from Barbados, all States members of OAS have participated in the MESICIC reviews. The principal bodies are the Committee of Experts, consisting of State delegates, and the Technical Secretariat, which is hosted by OAS. Six rounds of peer review have taken place, and they have changed in terms of the scope of assessment, the participating countries and the operation of the review.

15. The review model is largely similar to that of GRECO and the Working Group on Bribery. A self-assessment questionnaire is circulated by the secretariat, augmented by additional questions that the secretariat, member countries or other stakeholders have identified. In parallel to the submission of responses to the questionnaire, non-governmental organizations may submit further information on their own initiative. Country visits, which include consultations with governmental and non-governmental actors, are conducted by a subgroup consisting of delegates from two States parties and the secretariat. The subgroup and the secretariat prepare a draft preliminary report, which is refined in further consultations with the State party under review. The resulting preliminary report is discussed in the full Committee of Experts, with a view to the formulation and eventual endorsement of a list of recommendations. The recommendations and the country reports are published online and are revisited during subsequent review cycles. Unlike GRECO and the Working Group on Bribery, MESICIC adopts recommendations by consensus, that is, they need the approval of the State party under review. The recommendations are followed up by the peers during the next review cycle.

16. The most significant changes made to MESICIC since its inception are as follows:

(a) Introduction of country visits in the transition from the third to the fourth round;

- (b) In parallel, an increasing focus on the actual implementation of legislation;
- (c) Several changes to the themes that the review would focus on.

D. Organisation for Economic Co-operation and Development Working Group on Bribery in International Business Transactions

17. The Working Group on Bribery was established in 1994 and is currently composed of 44 members (the 38 OECD member countries and six other countries that have acceded to the group). The Working Group monitors implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), the Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions (2021) and other instruments covering corruption in the areas of tax, development assistance, export credits and State-owned enterprises. Members of the Working Group tend to be experts drawn from member countries (e.g. government and law enforcement officials). While the reviews cover the entirety of the Convention and other instruments mentioned above, the Working Group has gone through several phases, focusing on the adequacy of national legislation initially and on the implementation and effectiveness of laws and policies in subsequent phases. During the third and fourth phases, additional emphasis was placed on enforcement, specific risks in States parties under review, good practices, where relevant, and newly emerging topics.

18. The reviews are conducted according to a review methodology agreed upon by the members.⁴ They begin with a standard self-assessment questionnaire and a list of supplementary questions. The latter is issued by the secretariat and is based on consultations with members and independent research. On the basis of that material, a country visit is conducted by an evaluation team, consisting of experts from two member countries, and secretariat staff. During an on-site visit lasting four to five days, government officials (including investigative and prosecutorial officials), parliamentarians and representatives of the judiciary, legal and accounting professions, the private sector, media and civil society are consulted. A draft evaluation report and recommendations are subsequently prepared by the evaluation team and shared with the State party under review for comment and correction of factual mistakes. Both documents are shared with the members of the Working Group for discussion and are eventually adopted in the plenary meetings of the Working Group on the basis of the “consensus minus one” principle. Evaluation reports and recommendations are published on the Working Group’s web page, accompanied by a press release.⁵ After the review, pressure to implement recommendations is steadily maintained by revisiting recommendations from earlier phases during the next review cycle, publicly pointing out insufficient follow-up activities where necessary, sending high-level letters to the State party under review and undertaking high-level or technical missions to the capital if the implementation record does not improve.

19. The most significant changes made in the Working Group since its inception are as follows:

- (a) Transition from desk reviews to on-site visits between the first phase and the second phase;
- (b) In parallel, a greater focus on the actual implementation of legislation;
- (c) More “tailor-made” reviews since the third phase, focusing on specific challenges or risks and highlighting good practices in the State party under review;
- (d) “Organic growth” in the topics that the Working Group focused on, resulting in the adoption of the 2021 Anti-Bribery Recommendation.

⁴ See www.oecd.org/corruption/countrymonitoringoftheoecdanti-briberyconvention.htm.

⁵ See www.oecd.org/corruption/anti-bribery/anti-briberyconvention/oecdworkinggrouponbriberyininternationalbusinesstransactions.htm.

E. Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

20. The Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto was launched in October 2020. It is a peer review process that reviews the implementation of the United Nations Convention against Transnational Organized Crime by 189 parties; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children by 181 parties; the Protocol against the Smuggling of Migrants by Land, Sea and Air by 151 parties; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition by 122 parties. The review process is to be conducted through four review phases of two years each, corresponding to four thematic clusters of articles of the four instruments that will be reviewed until 2030. The review process is designed to take place in a staggered manner by reviewing parties in three groups. At the time of writing, all three groups had started the first review phase, but no country reviews had been concluded. In the plenary of the Conference of the Parties to the Convention, a general review is to be undertaken to facilitate the exchange of experiences, lessons learned, good practices and challenges and the identification of technical assistance needs.

21. The Implementation Review Mechanism for the Organized Crime Convention is mainly desk-based; reviews are conducted on the “RevMod” online platform,⁶ with no country visits envisaged unless countries decide otherwise on a voluntary basis. The process starts with a self-assessment questionnaire, for which the party under review is encouraged to consult widely (including with non-governmental stakeholders, on a voluntary basis). Once the required information has been submitted through RevMod, the review by experts from two randomly assigned States parties starts. On the basis of the available information, the experts provide their written feedback to the party under review and dialogues may ensue. At the final stage of each review phase, a list of observations and a summary of the observations are drafted, identifying possible implementation gaps, challenges, good practices, suggestions and technical assistance needs. The lists of observations and summaries should be agreed upon between reviewing States and parties under review and made available to the working groups of the Conference of the Parties, with the possible exception of elements that the party under review has declared confidential. The reviewers and parties under review also agree on a concise (1,500-word) summary of the observations, which is to be made available to the Conference and its working groups. As in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, the party under review can voluntarily publish the self-assessment and other material and is encouraged to share information on progress achieved in addressing observations with the Conference and its working groups.

22. Having been launched only recently, the Implementation Review Mechanism for the Organized Crime Convention is still in its initial phase. For the purpose of the present document, therefore, this mechanism is not included in the examination of aspects of the transition of review mechanisms into new phases.

⁶ RevMod is an electronic platform that facilitates communication between States parties, expert reviewers and non-governmental organizations (NGOs). Parties under review use the platform to upload responses to the self-assessment questionnaire and other documents related to the review. NGOs can submit statements. Once the evaluation of material is concluded, RevMod is used to communicate the observations and recommendations by expert reviewers to the party under review and to facilitate dialogue between both sides.

F. United Nations universal periodic review

23. The universal periodic review focuses on the fulfilment of the human rights obligations entered into by States. Reviews are conducted by the Working Group on the Universal Periodic Review, which comprises the 47 States members of the Human Rights Council, and are supported by the secretariat of the universal periodic review, a division of the Office of the United Nations High Commissioner for Human Rights. The peer review is organized in cycles during which each member is reviewed once. The procedure is currently in its fourth cycle (2022–2027), implying that each member is reviewed every 4.5 years on average.

24. The review is based on a self-assessment by the State under review and two reports by the secretariat. Those reports contain information gathered from other United Nations entities (e.g. treaty bodies and special procedures) and information submitted by civil society organizations, national human rights institutions and other stakeholders. The review is assisted by three randomly assigned rapporteurs (the “troika”) from different regional groups. The situation of human rights in the country is discussed in a plenary meeting between the State under review and Member States, including States that are not members of the Human Rights Council at the time of the review. A peculiarity of the universal periodic review is that recommendations to States are made by individual States, that is, they do not have to be endorsed by the plenary and are not negotiated with the State under review. Instead, the reviewed country, either during the review or at any time before the adoption of the review outcomes at the subsequent plenary session of the Human Rights Council, indicates whether it “supports other States’ recommendations” (which implies a political commitment to implement the recommendations) or “notes” them (which signals disagreement). The secretariat of the universal periodic review seeks to track the follow-up to recommendations.

25. The universal periodic review has undergone changes, especially during the transition from the first cycle (2008–2011) to the second (2012–2016) and from the second to the third cycle (2017–2022), which were primarily initiated by its secretariat. The most significant ones are as follows:

- (a) Longer interactive dialogues (3.5 hours instead of 3 hours);
- (b) Greater focus on the implementation of accepted recommendations and structured follow-up;
- (c) Recognition of the role of national human rights institutions and civil society organizations, including guidance for their participation in the universal periodic review.

III. Continuation of the analysis

26. The analysis is continued in the addendum to the present note, entitled “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” ([CAC/COSP/IRG/2023/8/Add.1](#)).
