



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

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Open-ended Intergovernmental Working Group on the Prevention of Corruption

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Item 2 (a) (iii) of the provisional agenda*

**Implementation of relevant Conference resolutions:
thematic discussions on good practices and
initiatives in the prevention of corruption**

Good practices, lessons learned and challenges in periodically evaluating the efficiency and the effectivity of anti-corruption measures and policies

Background paper prepared by the Secretariat

I. Introduction

1. In its resolution 6/1, the Conference of the States Parties to the United Nations Convention against Corruption requested the secretariat to structure the provisional agendas of the subsidiary bodies established by the Conference in such a way as to avoid the duplication of discussions, while respecting their mandates.
2. In its resolution 9/6, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, the Conference decided that the Open-ended Intergovernmental Working Group on the Prevention of Corruption should continue its work to advise and assist the Conference in the implementation of its mandate on the prevention of corruption and should hold at least two meetings prior to the tenth session of the Conference.
3. In the same resolution, the Conference also decided that the Working Group should include, as a topic for discussion in its future meetings, the development and implementation of national and international innovative measures to prevent corruption, including good practices, lessons learned and challenges in periodically evaluating the efficiency and the effectivity of anti-corruption measures, policies and national responses.
4. In accordance with those resolutions, and in line with the workplan for the subsidiary bodies of the Conference agreed by the extended Bureau of the Conference at its meeting on 16 June 2022, the topics for discussion at the fourteenth meeting of the Working Group will be:
 - (a) Strengthening the role of supreme audit institutions in the prevention of and fight against corruption;

* [CAC/COSP/WG.4/2023/1](#).



(b) Good practices, lessons learned and challenges in periodically evaluating the efficiency and the effectivity of anti-corruption measures and policies; and

(c) The interlinkages between preventive and law enforcement approaches.

5. At its second meeting, held in Vienna from 22 to 24 August 2011, the Working Group recommended that, in advance of each of its meetings, States parties should be invited to share their experiences of implementing the provisions under consideration, preferably by using the self-assessment checklist and including, where possible, successes, challenges, technical assistance needs and lessons learned in implementation. The Working Group requested the secretariat to prepare background papers summarizing that information and decided that panel discussions should be held during its meetings, involving experts from countries that had provided written responses on the priority themes under consideration.

6. In accordance with the above, the present paper has been prepared based on information provided by governments in response to notes verbales by the secretariat dated 19 January and 20 February 2023. As at 9 March 2023, submissions had been received from the following 38 parties to the Convention: Albania, Algeria, Australia, Austria, Azerbaijan, Bahrain, Bulgaria, Burkina Faso, Canada, Chile, China, Cyprus, Egypt, the European Union, France, Greece, Hungary, Italy, Jordan, Kyrgyzstan, Malaysia, Moldova, Myanmar, Nicaragua, Oman, Poland, Portugal, Qatar, Republic of Korea, Romania, Saudi Arabia, Serbia, Slovakia, the State of Palestine, Thailand, Togo, the United Arab Emirates and the United Republic of Tanzania.

7. The full texts of the submissions have been made available on the United Nations Office on Drugs and Crime (UNODC) website and incorporated into the thematic website developed by the secretariat.¹

8. The purpose of the present paper is to provide a summary of the information submitted by States parties to the Convention on good practices, lessons learned and challenges in periodically evaluating the efficiency and the effectivity of anti-corruption measures and policies. A summary of the information submitted by States parties on the interlinkages between preventive and law enforcement approaches is provided in document [CAC/COSP/WG.4/2023/3](#). A summary of the information submitted by States parties on strengthening the role of supreme audit institutions in the prevention of and fight against corruption is provided in document [CAC/COSP/WG.4/2023/4](#).

II. Analysis of submissions of States parties

A. Thematic overview

9. Promoting and strengthening measures to prevent and combat corruption more efficiently and effectively is one of the purposes of the Convention stated in article 1.

10. Article 5, paragraph 3, of the Convention requires States parties to endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption. Article 61, paragraph 3, similarly requires States parties to consider monitoring their policies and measures to combat corruption and make assessments of their effectiveness and efficiency.

11. In its resolution 9/6, the Conference highlighted the importance of strengthening and improving anti-corruption policies by periodically assessing and analysing the efficiency of preventive measures and by recognizing and encouraging good practices. In the same resolution, the Conference called upon States parties to establish and promote effective practices aimed at the prevention of corruption and to

¹ Fourteenth meeting of the Open-ended Intergovernmental Working Group on Prevention: www.unodc.org/unodc/en/corruption/WG-Prevention/session14.html.

periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy for effectively preventing and fighting corruption.

12. Assessing the effectiveness of anti-corruption efforts is key for States to measure progress, make result-based decisions on the adoption of new or corrective measures, on the discontinuation of ineffective approaches and the allocation of resources. At the same time, many multilateral and bilateral technical assistance providers conduct or rely on assessments of the effectiveness of anti-corruption measures and policies when formulating or implementing technical assistance programmes.

13. Some aspects of the present topic were considered by the Working Group at its tenth and eleventh meetings held in 2019 and 2020. At its tenth meeting, the Working Group discussed lessons learned in the development, evaluation and impact of anti-corruption strategies. At its eleventh meeting, it discussed the effectiveness of anti-corruption bodies. The discussions were informed by background papers prepared by the secretariat.² In addition, an overview of measures to examine financial and accounting frameworks and procedures in order to determine their effectiveness in the fight against corruption is contained in document [CAC/COSP/WG.4/2023/1](#).

14. Reporting States parties indicated that mechanisms had been adopted to evaluate the effectiveness of anti-corruption policies. Some of those mechanisms, namely ex-post evaluations, were used also to evaluate anti-corruption legislation.

15. The responses received by the secretariat, however, reflected the challenges inherent in evaluating the effectiveness of anti-corruption measures and instruments. Most States parties reported on the use of control and auditing functions to assess implementation but to a lesser extent the effectiveness and impact. Some States parties highlighted the frailty of perception-based approaches and the submissions revealed an absence of consistent international standards, methodologies and tools to conduct such evaluations.

16. This is consistent with the findings of the reviews under the second cycle of the Mechanism for the Review of Implementation of the Convention. One of the most prevalent challenges identified in the implementation of article 5 is the lack of methodologies to measure progress and impact.³

B. Good practices, lessons learned and challenges by States in the evaluation of anti-corruption measures, policies and national responses

17. All reporting States parties indicated that they had adopted either legislation or policies that provided for the periodic evaluation of anti-corruption legal instruments and/or administrative measures. Most States parties cited policies as the basis for conducting evaluations. The authority or authorities responsible for such evaluations were identified by law.

² See background paper on “Lessons learned on the development, evaluation and impact of anti-corruption strategies (article 5 of the United Nations Convention against Corruption)” [[CAC/COSP/WG.4/2019/2](#)] available at www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2019-September-4-6/V1904637e.pdf and background paper on Enhancing the effectiveness of anti-corruption bodies (article 6, paragraphs 1 and 2, of the United Nations Convention against Corruption) available at www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2020-June-9-10/V2004538e.pdf.

³ See thematic report prepared by the Secretariat on the Implementation of chapter II (Preventive measures) of the United Nations Convention against Corruption [[CAC/COSP/IRG/2022/3](#)] available at www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/13-17June2022/CAC-COSP-IRG-2022-3/V2201760_E.pdf.

18. In the case of laws, some States parties indicated that evaluation mechanisms were in place, although in most cases evaluations were conducted on an ad hoc basis. The frequency of the evaluation of administrative measures varied from quarterly, annually to biennially.

19. While all reporting States parties indicated that they conducted or were in the process of conducting periodic evaluations of anti-corruption measures and policies, limited information was provided on the methodology and processes adopted. Few States parties reported on concrete challenges in conducting such evaluations or on their impact.

1. Structures or institutions responsible for evaluating relevant legal instruments and/or policies and administrative measures

20. Most reporting States parties indicated that their preventive anti-corruption bodies were the primary institution responsible for evaluating relevant legal instruments and administrative measures. In some States parties, however, evaluations were conducted by other institutions, such as oversight or judicial authorities. In some States parties, the same institutions or structures were responsible for the evaluation of both legal instruments and administrative measures. In others, legal instruments and administrative measures were evaluated by different structures or institutions.

Structures or institutions responsible for evaluating legal instruments, policies and administrative measures

21. Burkina Faso indicated that its Superior State Control and Anti-Corruption Authority was responsible for conducting evaluations of legal instruments and administrative measures biennially.

22. China reported that the Central Commission for Discipline Inspection and the National Commission of Supervision, the National People's Congress and the relevant departments of the State Council were responsible for conducting assessments of legal instruments and administrative measures.

23. Egypt reported that its National Coordinating Committee for Combating Corruption conducted periodic assessments of legislation and regulations related to the fight against corruption, based on which it submitted recommendations and legislative amendments to relevant ministries.

24. In Greece, the National Transparency Authority was responsible for evaluating policies, legislative measures and the implementation of the National Strategy for Combating and Preventing Corruption. The Authority was independent in determining the procedures for evaluating relevant instruments.

25. Jordan indicated that multiple authorities were responsible for the evaluation of the effectiveness of its anti-corruption legal and administrative measures, including the Judicial Council/Public Prosecution, the Parliament, the Integrity and Anti-Corruption Commission, the Anti-Money Laundering Unit/Central Bank and the Audit Bureau.

26. Myanmar indicated that several oversight bodies, including the Anti-Corruption Commission, were responsible for evaluating the adequacy of anti-corruption legal instruments and administrative measures.

27. In Saudi Arabia, the Oversight and Anti-Corruption Authority was tasked with the periodic evaluation and review of legal and administrative instruments to prevent corruption.

28. In the State of Palestine, the Anti-Corruption Commission evaluated and reviewed legal instruments as well as the procedures of government entities to ensure their adequacy to prevent corruption.

Structures or institutions responsible for evaluating relevant legal instruments

29. Algeria reported that its High Authority for Transparency, Prevention of and Fight against Corruption was responsible for the periodic evaluation of the adequacy of legal instruments to promote transparency, prevent and counter corruption. The Authority could propose legislative amendments. Other authorities had control and evaluation roles in their respective fields. Those were the Central Office for the Repression of Corruption, the Court of Auditors, the General Inspectorate of Finance, the Public Procurement and Public Service Delegation Regulatory Authority and the High Council of the Civil Service.

30. Bahrain reported that its Auditing Bureau reviewed anti-corruption legislation. The results of these reviews were communicated to relevant authorities.

31. Thailand indicated that the Office of the National Economic and Social Development Council and various bureaus of the National Anti-Corruption Authority were responsible for monitoring the effectiveness of legislation.

32. Several States parties, including Australia, China, France and the United Republic of Tanzania, also reported on the role of parliaments or parliamentary commissions in evaluating legal instruments.

Structures or institutions responsible for evaluating relevant administrative measures

33. In most reporting States parties, the evaluation of administrative measures was centralized within one institution, often the preventive anti-corruption body, and was based on information provided by relevant ministries. In other States parties, the evaluation function was shared among several institutions. In the latter case, the extent to which those institutions engaged in inter-institutional cooperation with a view to better assessing the efficiency and effectivity of anti-corruption measures, was not always apparent from the contributions provided.

34. Albania reported that the General Directorate of Anti-Corruption in the Ministry of Justice was the leading institution responsible for the evaluation of administrative measures in coordination with other institutions.

35. Azerbaijan noted that its Commission on Combating Corruption was responsible for monitoring the implementation of State programmes and action plans against corruption.

36. In Chile, different entities were responsible for the evaluation of institutions and measures. The Comptroller General's Office was responsible for auditing administrative entities while the Public Integrity and Transparency Commission analysed anti-corruption measures.

37. China reported that the Central Commission for Discipline Inspection and the National Commission of Supervision carried out assessments of anti-corruption policies and regulations and recommended amendments to relevant parties.

38. Cyprus reported that its Independent Authority against Corruption had broad assessment and monitoring powers. It could determine indicators to assess whether actions taken by public and private actors to prevent and combat corruption achieved the expected results and were consistent with the intended objectives.

39. In Malaysia, the Special Cabinet Committee on Anti-Corruption was responsible for monitoring and evaluating the effectiveness of policies and measures regulating the delivery of public services and those that had an impact on the governance and integrity of the Government's administrative management system.

40. Portugal reported that the National Anti-Corruption Mechanism was recently established as an independent administrative entity responsible, among others, for ensuring the effectiveness of policies to prevent corruption.

41. Qatar reported that a committee under the Administrative Control and Transparency Authority was tasked with the development and evaluation of control policies and procedures.

42. In Slovakia, the Corruption Prevention Department at the Government Office of Slovakia was responsible for the formulation of the National Anti-Corruption Programme. Relevant ministries, however, were responsible for implementing different sections of the Programme and for evaluating the effectiveness of their actions.

43. Thailand indicated that the Office of the National Economic and Social Development Council and several bureaus of the National Anti-Corruption Authority were responsible for evaluating the implementation of the national strategy based on established targets and indicators.

44. In the United Arab Emirates, while the Supreme Audit Institution was primarily responsible for the development and implementation of measures to prevent and combat corruption, it also performed evaluation functions.

45. The European Union indicated that the European Commission was responsible for monitoring and reporting on developments in the fight against corruption in all its member States.

2. Processes for periodically evaluating relevant legal instruments and/or policies and administrative measures

46. Different processes were reported by States parties for the periodic evaluation of legal instruments, policies and administrative measures. Two main processes were reported for the evaluation of legal instruments: ex-post evaluation to assess the impact of the law; review aimed at detecting potential risks of corruption or loopholes prior to the enactment of the law. Concerning the evaluation of policies and administrative measures, States parties provided information on quantitative evaluations based on specific metrics, indicators and statistical analysis, as well as qualitative assessments based on interviews or surveys with a range of stakeholders. Several States parties reported on evaluations conducted on the basis of regional and global standards. A few respondents explicitly referred to the usefulness of information and communication technologies, which facilitated data mining, analytics and interoperability between public databases.

Processes for periodically evaluating relevant legal instruments

47. China reported on its post-legislative evaluation system, which was aimed at determining whether its legislation was effective in preventing and combating corruption. The Legislative Affairs Office of the State Council and, following an institutional reform in 2018, the Ministry of Justice were the authorities primarily responsible for conducting annual post-legislative evaluations and ex-post evaluations of administrative measures.

48. Cyprus indicated that its Independent Authority against Corruption submitted quarterly summary reports to different government authorities with recommendations, including on the enhancement of the legislative framework to prevent and combat corruption. An annual report was submitted to the President of the Republic, the Council of Ministers and the House of Representatives, and published in the Official Gazette of the Republic. Thereafter, the Independent Authority against Corruption must appear before a Committee of the House of Representatives to discuss the recommendations received and the degree of response from the competent authorities.

49. In Myanmar, the Anti-corruption Commission Office discussed lessons learned in the investigation and prosecution of corruption offences in weekly meetings.

50. Oman reported that, as part of its auditing functions, the State Audit Institution could detect deficiencies in the legislation in force, discuss possible remedies with

the audited entity and provide the Ministry of Justice and Legal Affairs with proposed amendments.

51. In Qatar, in accordance with the national anti-corruption strategy, audits were conducted to measure the effectiveness of legal instruments.

52. The Republic of Moldova reported on the procedure of “anti-corruption proofing”. The National Anti-Corruption Centre reviewed relevant draft legislative texts with a view to identifying and removing possible loopholes in their content which may give rise to risks of corruption during the implementation of the law.

53. The Law Reform Commission of the United Republic of Tanzania reviewed draft legislation and provided advice and recommendations to relevant government institutions.

Processes for periodically evaluating relevant policies and administrative measures

54. Albania indicated that its Ministry of Justice, in its capacity of National Coordinator against Corruption, ensured that evaluation processes included monitoring methodologies and that the review of integrity instruments, including the anti-corruption strategy, was carried out semi-annually and annually.

55. Austria elaborated on the evaluation methodology adopted by the Federal Bureau of Anti-Corruption to measure the impact of its National Anti-Corruption Strategy through qualitative and quantitative indicators. The Bureau noted that the greatest challenge to the periodic assessment of the efficiency and effectiveness of anti-corruption measures was the difficulty in establishing uniform and verifiable indicators.

56. Italy emphasized that a section of its Annual Anti-Corruption Plan aimed at strengthening tools to monitor the efficiency and effectiveness of anti-corruption measures. Under the Plan, areas exposed to significant risks of corruption were identified, processes and indicators to address corruption in those areas were determined and mechanisms to evaluate the performance of those processes were established. Italy also noted the risk of “over-measurement” and the challenges related to the statistical measurement of corruption based on perception indicators. Italy reported that a project had been launched to develop indicators to measure corruption at the regional level. The results of the project would be published on a dedicated website and their analysis over time would facilitate the assessment of the effectiveness of anti-corruption measures.

Processes for periodically evaluating relevant legal instruments and/or policies and administrative measures with the participation of individuals and groups outside the public sector

57. Several reporting States, including Albania, Austria, Egypt, Italy, Moldova, Nicaragua, the Republic of Korea and Romania emphasized the involvement of other stakeholders, including civil society, in their evaluation mechanisms with a view to ensuring transparent, accountable and inclusive processes. The involvement of such individuals and groups often took the form of surveys, online questionnaires, focus groups and interviews.

58. In Egypt, consultations on the implementation of anti-corruption legislation were held between governmental parties, representatives of civil society, the private sector and academia.

59. Nicaragua indicated that its National Plan to Fight Poverty for Human Development provided for the participation of citizens in the processes to monitor and evaluate anti-corruption measures. The Office of the Controller General conducted evaluations as part of its auditing authority and formulated auditing plans also on the basis of citizens’ complaints.

60. The Republic of Korea reported on the annual Comprehensive Integrity Assessment, which included an evaluation of the anti-corruption efforts of public

institutions and an assessment of their “integrity level” based on citizen surveys. The assessment of institutions was based on a written evaluation, following on-site inspections conducted by external and internal experts to ascertain the achievement of expected results based on indicators developed by public institutions at the beginning of each year. The Anti-Corruption and Civil Rights Commission conducted assessments to identify “corruption-causing factors” in laws and regulations, issued recommendations to address such factors and monitored their implementation.

61. Romania evaluated the implementation of its previous National Anti-Corruption Strategy through thematic “peer reviews” conducted by teams of experts including from civil society; a mid-term evaluation and audit of public institutions; and a final evaluation which included an ex-post assessment of the impact of the Strategy. The thematic peer reviews were facilitated by various cooperation platforms, including platforms for the private sector and civil society.

Processes for periodically evaluating relevant legal instruments and/or policies and administrative measures on the basis of regional and global standards

62. Several reporting States, including Azerbaijan, Egypt, France, Poland and Slovakia referred to regional and global mechanisms or policies that allowed for the evaluation of the effectiveness of their legal and institutional frameworks in the fight against corruption. Reference was made to the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and the evaluations conducted by the International Monetary Fund, the Financial Action Task Force, the European Union, the Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism of the Council of Europe, and the Organisation for Economic Co-operation and Development. In this regard, Poland reported on a policy to strengthen integrity and prevent corruption in the police, which was developed in response to recommendations issued by GRECO.

63. Other States parties, including Austria, the Republic of Moldova and Romania, indicated that they were guided by international standards or were working with international organizations or donors on the development of evaluation systems.

64. The European Union noted the limitations of using perception-based indices, which were only one of the tools used in its evaluation of anti-corruption measures. The qualitative assessment of Member States was predominantly based on a factual analysis of legal and institutional frameworks, on dialogue and country visits and on stakeholders’ contributions. Such assessments also contained references to challenges and good practices. The third Rule of Law Report, published in 2022, examined developments in the anti-corruption framework of Member States and provided recommendations to address weaknesses.

Impact of periodically evaluating relevant legal instruments and/or policies and administrative measures

65. Some States parties, including Australia, China, France, Myanmar and Slovakia shared information on the impact of their evaluation mechanisms on anti-corruption legislation. Through regular ex-post evaluations, China was able to identify and address gaps in its legislative and administrative framework. In France, an evaluation of anti-corruption laws, conducted over six months and based on 50 hearings, led to the formulation and publication of an evaluation report with recommendations. In Myanmar, the Anti-Corruption Law of 2013 was amended four times to address weaknesses identified through evaluations. Slovakia reported that the evaluation of its legislation led to the establishment of new offences of corruption, amendments to existing legislation and the adoption of measures to prosecute corruption more effectively.

66. Some States parties also reported on the impact of their evaluations on anti-corruption policies and measures.

67. Romania indicated that final evaluation of its previous National Anti-Corruption Strategy analysed the use of resources, efficiency and impact. The recommendations contained in that evaluation informed the subsequent Anti-Corruption Strategy.

68. Serbia indicated that it had developed an impact assessment methodology to determine whether levels of corruption in vulnerable areas had decreased as a result of its policies and measures. The outcome of the impact assessments informed the review of anti-corruption strategies.

69. In Slovakia, measures taken in the implementation of the National Anti-Corruption Programme were evaluated by the ministries responsible for the different sectors of the Programme. The Programme was updated annually on the basis of those evaluations.

III. Conclusions and recommendations

70. The information provided by reporting States and summarized in the present background paper provides an account of the efforts made by States parties to periodically evaluate legal instruments and administrative measures aimed at preventing and combating corruption. However, a comprehensive assessment was not possible due to the limited number of submissions received.

71. As part of its discussions, the Working Group may also wish to consider the findings of the second cycle of the Mechanism for the Review of Implementation of the Convention and the challenges identified in relation to the implementation of article 5.

72. The Working Group may wish to encourage States parties to continue to provide information to the secretariat on good practices, lessons learned and challenges in periodically evaluating the efficiency and the effectivity of anti-corruption measures and policies. In particular, the Working Group may wish to encourage States parties to prioritize the provision of information on evaluation methodologies, indicators and tools, including the use of information and communication technologies, and on their impact.

73. The Working Group may wish to consider requesting the secretariat to continue its efforts to gather information on good practices, lessons learned and challenges in periodically evaluating the efficiency and the effectivity of anti-corruption measures, particularly in the context of the findings arising from the Mechanism for the Review of Implementation of the Convention, with a view to preparing a compendium of good practices and lessons learned.
