



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

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## Implementation Review Group

### Eighth session

Vienna, 19-23 June 2017

## Draft report

### Addendum

## IV. Performance of the mechanism for the Review of Implementation of the United Nations Convention against Corruption

1. The Secretariat provided an update on the progress made in the country reviews of the first and second review cycles. With regard to the first review cycle, it highlighted that, at the time of reporting, 173 out of 179 States parties under review had submitted their responses to the self-assessment checklist, 166 direct dialogues (154 country visits and 12 joint meetings in Vienna) had taken place, and 156 executive summaries had been finalized. A further six executive summaries were in advanced stages of finalization.

2. With regard to the second review cycle, the Secretariat informed the Group that, out of the 29 States parties under review in the first year of the second cycle, all had nominated their focal points. Furthermore, 20 States had submitted responses to the self-assessment checklist, and 14 direct dialogues (13 country visits and one joint meeting) had taken place, with several other country visits at various stages of planning. At the time of reporting, two executive summaries had been finalized, and three additional executive summaries were being completed. Due to the organization of training events at early stages of the review cycle, the majority of States parties under review in the second year of the second cycle had nominated their focal points well before the start of their reviews, and States parties had the opportunity to engage in early preparation of their self-assessment checklists.

3. A number of speakers shared the experience of their countries in the conduct of reviews in the first and second review cycles. In this regard, some speakers informed the Group that inter-institutional task forces had been created, in particular to prepare the responses to the self-assessment checklist. Some speakers highlighted that the experience from the first cycle, as a State party under review and as a reviewing State party, assisted the national authorities in the conduct of the reviews in the second review cycle. With regard to the preparation of the second cycle, several speakers expressed their appreciation for the organization of training courses for focal points and governmental experts participating in the Implementation Review Mechanism prior to the beginning of the country reviews. One speaker highlighted as a good practice the organization of briefings for governmental institutions and other stakeholders prior to the country visit, in which the Secretariat participated by means



of videoconferencing. Another speaker emphasized the importance of learning from the good practices established in the conduct of the first cycle reviews with a view to improving the efficiency of the Implementation Review Mechanism and streamlining the efforts of experts involved. One speaker suggested that the Secretariat prepare a comprehensive compilation of good practices in the conduct of country reviews during the first cycle, which could guide the work during the second cycle. Several speakers also described the establishment of committees for the implementation of the recommendations emanating from the country reviews.

4. In order to facilitate discussions the secretariat presented an oral update that built on the 51 submissions received from States in response to the calls for information on good practices, experiences, and relevant measures taken by States after the completion of the country review, including information related to technical assistance.

5. In their submissions, all States acknowledged the learning value of the Mechanism, as well as the role of the Mechanism in strengthening the understanding of the existing challenges in implementing the Convention and serving as a catalyst for domestic reforms. Eighty six per cent of States reported on their legislative measures taken after the completion of their country reviews, and 59 per cent of States reported how undergoing the review had led to improvements to their institutional structure and cooperation at the national level. Nearly half of the States noted how the Mechanism — before, during and after the review process — had established and opened up new lines of communication among national stakeholders. Furthermore, the momentum generated by States' efforts to carry out their first cycle reviews had also led to a number of initiatives that would primarily be reviewed during the second review cycle.

6. Echoing the information provided by States in their submissions, many speakers reiterated their countries' commitment to the Mechanism. Again, most speakers stressed the importance of the Mechanism and its usefulness in identifying gaps both legislative and institutional at the national level, as well as good practices. Many speakers also highlighted the learning value of the Mechanism and how it had been equally rewarding to serve as a reviewing governmental expert as well as to be part of the State party under review. The peer-learning dimension of the review process was particularly appreciated.

7. In relation to legislative amendments and reforms, most speakers outlined how new laws had either been, or were in the process of being drafted and adopted as a direct result of the review process. Several speakers noted amendments to their whistleblower protection and witness protection laws to bring them in line with the Convention. One speaker outlined the amendment to accept anonymous reporting as well as providing testimony without divulging the identity of the witness. Other areas of legislative reform included money-laundering frameworks and in conjunction with this, a number of speakers mentioned enhancements to their asset declaration and conflict of interest disclosure systems in response to the findings of the review process. Several speakers outlined measures taken to address gaps in their bribery legislation, many also reported on the international dimension of bribery. A few speakers noted their efforts to address private sector corruption through new laws and successful court cases. A couple of States noted amendments to the statutes of limitations which in one case only started from the discovery of the crime rather than from its commission.

8. A number of speakers underscored the usefulness of consultations with a broad range of stakeholders during the various stages of the review process, including the completion out of the self-assessment checklist and the country visit. One speaker noted that his country had gone as far as adopting a law on the participation and organization of civil society. Further examples given included the establishment of dedicated committees to coordinate the review process at the national level. One speaker highlighted how external stakeholders had also been included in the national follow-up committee.

9. Several speakers noted that the review process had triggered various institutional changes, including the establishment of new dedicated anti-corruption bodies. Furthermore, another speaker indicated that the specialized anti-corruption prosecutors in his State, which had been established after the review process, had already started hearing cases.

10. Several initiatives that were linked to the preparation of the second cycle were also mentioned. These included the adoption of new codes of conduct for public officials, the amendment and enhancement of public procurement systems and the adoption of new financial reporting standards. A number of speakers outlined efforts made to include awareness-raising and anti-corruption education also among children and youth, noting that anti-corruption had been included in school curricula.

11. The secretariat recalled that on 22 and 23 September 2016, the anti-corruption secretariats of the Organization of American States, the Organisation for Economic Cooperation and Development (OECD), the Council of Europe, and UNODC had held a joint workshop on enhancing synergies and sharing good practices in the conduct of international anti-corruption peer reviews. After the “Oral Update on the Outcome of the Paris Workshop of International Anti-Corruption Peer Review Bodies”, which it had provided to the Group at its resumed 7th session, several States parties had requested the secretariat to prepare a written report on the workshop to the Group. That report was thus included in the documents of the present meeting, under symbol CAC/COSP/IRG/2017/CRP.1. The secretariat further briefed the Group on some follow-up to the workshop, including sending representatives to each other’s meetings, to the extent permitted by different schedules, including participation in training conducted for reviewers. The secretariat further informed the Group that a joint side-event at the 7th session of the Conference of the States Parties to the Convention in November, was envisaged, for which it would also seek the views of interested member States.

12. Several speakers welcomed the steps taken by the secretariat on concrete actions to enhance synergies that avoid duplication, and to share good practices in the conduct of international anti-corruption reviews with the secretariats of other multilateral mechanisms. Speakers encouraged the secretariat to pursue this path, including through a joint side-event at the seventh session of the Conference of the States parties, and to deepen its reflection in this regard, bearing in mind the need for an efficient and cost-effective conduct of reviews, which minimize the burden on States and practitioners. One speaker mentioned, in particular, the cooperation with the Organization of American States’ implementation review mechanism, which had already evaluated its members’ implementation of provisions on the prevention of corruption. Another speaker pointed out the need to ensure that the conclusions of the different review mechanisms are not contradictory.

13. The representative of the OECD reported that the outcome of the workshop had been discussed at a recent meeting of the Working Group on Bribery and that, as a first result of that discussion, the OECD will now publish a much broader range of documents on its website. The OECD also briefed the Group on its cooperation activities in the field of anti-corruption with other institutions, including the Asian Development Bank, the African Development Bank and the International Monetary Fund.

14. Some speakers pointed out that enhanced cooperation also has financial implications, which should not put a burden on the secretariat. The secretariat noted that participation in each other’s meetings was limited by the terms of reference of each mechanism and by the requirements of confidentiality. Also, while UNODC was invited as an observer in the meetings of the OECD’s Working Group on Bribery and the Council of Europe’s GRECO, it does not have observer status for the meetings of the MESICIC of the Organization of American States. Concerning joint on-site visits, the secretariat was requested to present more concrete proposals on the feasibility and effectiveness of such visits at the next session of the Group.