



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

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## Implementation Review Group

First resumed tenth session

Vienna, 2–4 September 2019

### Draft report of the Implementation Review Group on its first resumed tenth session, held in Vienna, 2–4 September 2019

#### Addendum

### III. Review of implementation of the United Nations Convention against Corruption

1. A representative of the secretariat briefed the Group on the latest trends and findings emanating from the completed reviews of the second cycle based upon the thematic report ([CAC/COSP/IRG/2019/10](#)) that focuses on Chapter II of the Convention on preventive measures. She noted that based on the 25 completed executive summaries at the time of drafting, the overall trends identified confirmed some of the previous findings, while also highlighting a number of new nuances.
2. Regarding the specific analysis on challenges and good practices identified, the representative indicated that they had been disaggregated by article of the Convention. In terms of the number of recommendations issued, challenges encountered most frequently were with respect to the public sector (article 7), the private sector (article 12) and measures to prevent money-laundering (article 14). She highlighted that in comparison with the last update, a higher number of challenges were identified with respect to measures to prevent money-laundering (article 14) than to codes of conduct for public officials (article 8). Nevertheless, recommendations issued under article 8 and article 9 on public procurement and management of public finances remained to be high. In addition, it was observed that almost all States parties received recommendations for article 7 on the public sector. Overall, on most of the other articles, over 80 per cent of States under review received recommendations.
3. Furthermore, the representative of the secretariat informed the Group regarding good practices identified in the implementation of Chapter II of the Convention. In this respect, it was reported that the highest number of good practices identified was in the areas of preventive anti-corruption policies and practices (article 5), the participation of society (article 13) and public procurement and management of public finances (article 9). In terms of number of States, it was stressed that more than half of the countries were identified to have good practices on articles 5 and 9 of the Convention, whereas measures relating to the judiciary and prosecution services (article 11) and private sector (article 12) remained the areas where the least number of good practices were identified.



4. In the ensuing discussion, many speakers expressed their appreciation to the secretariat for the comprehensive analysis on the implementation of Chapter II of the Convention by States parties on preventive measures and encouraged the secretariat to continue collecting and analysing information on challenges, good practices, experience and lessons learned from reviews conducted under the second cycle.
5. The speakers highlighted the significance of the Implementation Review Mechanism under the Convention and reiterated the commitment of their countries to fully implement the Convention. Many speakers shared the good practices and successes achieved in the implementation of the Convention, including its chapter II, by their countries, including as a follow-up to the recommendations emanating from the review process. These successful practices included various legislative, regulatory and administrative measures to promote the prevention of corruption, such as creating effective legislative and policy frameworks, developing integrity tools and putting in place measures to prevent corruption through public education and strengthen the integrity of the judiciary, establishing anti-corruption bodies, regulating conflicts of interest, enhancing the integrity of procurement, protecting reporting persons, strengthening transparency and facilitating corruption complaints procedures.
6. Some speakers referred, in particular, to the introduction of a wider range of awareness-raising campaigns in their countries, including tailored educational programmes available at different levels of education in the prevention of corruption. In this context, the important role played by civil society organizations was acknowledged widely.
7. Some speakers referred to the steps taken by their countries in promoting integrity in the public sector, including adoption of codes of conduct for various sectors in the public service, enhancement of asset declaration systems for public officials, and revision of legislation regulating different aspects regarding civil servants. Some speakers reported on the introduction of that asset and interest disclosure systems as an effective tool in the prevention of corruption.
8. A number of speakers reported on the adoption of anti-corruption policies and action plans by their governments. In this regard, one speaker underscored that his country had implemented eleven action plans on its National Strategy on the Prevention of Corruption and achieved substantial progress in a variety of areas, ranging from the introduction of an anti-bribery management system in the private sector to measures to enhance the integrity of public officials. Another speaker indicated that his country adopted a zero-tolerance position to corruption and an anti-corruption strategy was formulated with a multi-agency approach to preventing corruption. All government agencies and ministries in his country were obliged to submit reports on the implementation of the strategy on a regular basis. In addition, several speakers highlighted that the adoption process of their anti-corruption strategies had benefited from a wide participation of stakeholders, such as civil society organizations, private sector, media and academia. In order to ensure the effectiveness of the strategies, broad consultations and information sessions were also held.
9. Several speakers highlighted the importance of the legislative and administrative measures pertaining to access to information, such as the enactment of the dedicated legislation on free access to information by the public. The use of information and communications technologies was underlined as a tool to facilitate public participation in the fight against corruption, including through, for example, e-government mechanisms, online platforms and social media. In this regard, the promotion and use of such technologies for raising public awareness and promoting active participation of society in the prevention of corruption, was highlighted.
10. A number of speakers emphasized progress made by their countries in the area of the prevention of conflicts of interest and protection of reporting persons. In this regard, it was underscored that specific legislation on the prevention of conflicts of interest was adopted by several States, while concrete measures to regulate gift and

gratuities, external employment and external activities for public officials were also put in place.

11. Many speakers also described how practices in facilitating the reporting of corrupt conduct to anti-corruption bodies through multiple channels, such as via mail or electronic means, toll-free numbers and hotlines were used to prevent corruption. Furthermore, several speakers noted the need to protect reporting persons as a means to facilitate such reporting.

12. Speakers further highlighted good practices in public procurement, such as utilizing e-procurement, to strengthen the integrity of the process. One speaker mentioned the use of integrity pacts in her country in order to urge the procuring organizations and the bidders not to engage in corrupt practices, while another speaker highlighted the use of open and transparent procedures in the procurement process in his country. In terms of measures to prevent money-laundering, several speakers reported practices of their countries in strengthening anti-money-laundering regimes, including adopting additional measures to promote beneficial ownership transparency.

13. In addition to the good practices, a number of speakers also expressed concerns over challenges faced by their countries in terms of the prevention of corruption, such as the overlapping of functions in different government agencies with anti-corruption mandates, the lack of resources to monitor the measures taken to fight against corruption, and inadequate partnerships between public and private sectors.

14. One speaker referred to challenges that arise in the identification of positions considered especially vulnerable to corruption and, in this regard, underlined the importance of taking a risk-based approach, which would include measures targeting public officials. He requested the secretariat to provide more detailed information about good practices and successes achieved by States in this area, including information on which States had made progress in this regard. The speaker also proposed that panel discussions on the identification of public positions considered especially vulnerable to corruption be held at future meetings.

15. Many speakers shared their positive experiences in relation to their participation in the Implementation Review Mechanism. One speaker highlighted the importance of international cooperation under the central coordinating role of UNODC, on the basis of the Convention, which was the sole universal legal instrument, which included a full set of comprehensive measures to counter corruption. Support was expressed for the guiding principles for the functioning of the Mechanism, namely its intergovernmental, technical, transparent, inclusive, impartial and non-punitive nature. The speaker noted that the Mechanism had been tested by time and had proven to be a reliable instrument for the assessment of progress made, the identification of best practices and challenges that arose during the implementation of the Convention. It contributed to legislative and institutional reforms at the national level and strengthened cooperation in countering corruption between different competent bodies, civil society, the private sector and academia of different countries.

16. In reference to the Mechanism, one speaker noted that, in the course of country reviews, efforts should be made to ensure that recommendations were consistent with the provisions of the Convention and would not go beyond the requirements of the Convention. This was particularly relevant with a view towards the follow-up phase to the Mechanism, to ensure that States are not required to implement such recommendations. Some speakers noted that any follow-up to the Mechanism should consider the availability of the technical assistance provided, when reviewing the implementation of recommendations.

17. One speaker emphasized that a common understanding of the provisions of the Convention was required and noted that one of the main objectives of the Convention was to assist States parties in implementing it more effectively, in line with article 63 of the Convention. The speaker referred to unilateral coercive measures that were taken against his Government. Those measures created a serious technical

impediment in the implementation of the measures to prevent and counter corruption in his country and which, in turn, was contrary to international law, the Charter of the United Nations and relevant United Nations resolutions.

18. Some speakers reported on the measures that their countries had taken to ensure transparency in the review process, including by publishing their responses to the self-assessment checklists and country review reports on the UNODC website, and conducting consultations with a wide range of stakeholders.

19. Several speakers expressed their appreciation to UNODC for the support and technical assistance provided and, in this regard, also noted that such technical assistance allowed for a more effective implementation of the Convention. Some speakers referred with appreciation to the work undertaken and technical assistance provided by the organizations of the United Nations system, the European Commission, and bilateral development partners, to their countries with the view to strengthening their anti-corruption efforts. Particular appreciation was expressed to UNODC and the StAR Initiative for developing cumulative knowledge and practical tools for fighting corruption.

20. The importance of political will in addressing the impunity of corruption and to meet the targets set forth in the 2030 Agenda for the Sustainable Development, in particular SDG 16, as well as national development plans, was underlined.

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