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Implementation Review Mechanism to the
UN Convention against Corruption

Methodology for consideration of best practices
of Member States

Thirty-third Plenary Meeting of the Committee of Experts of the MESCIC, 11 September 2019



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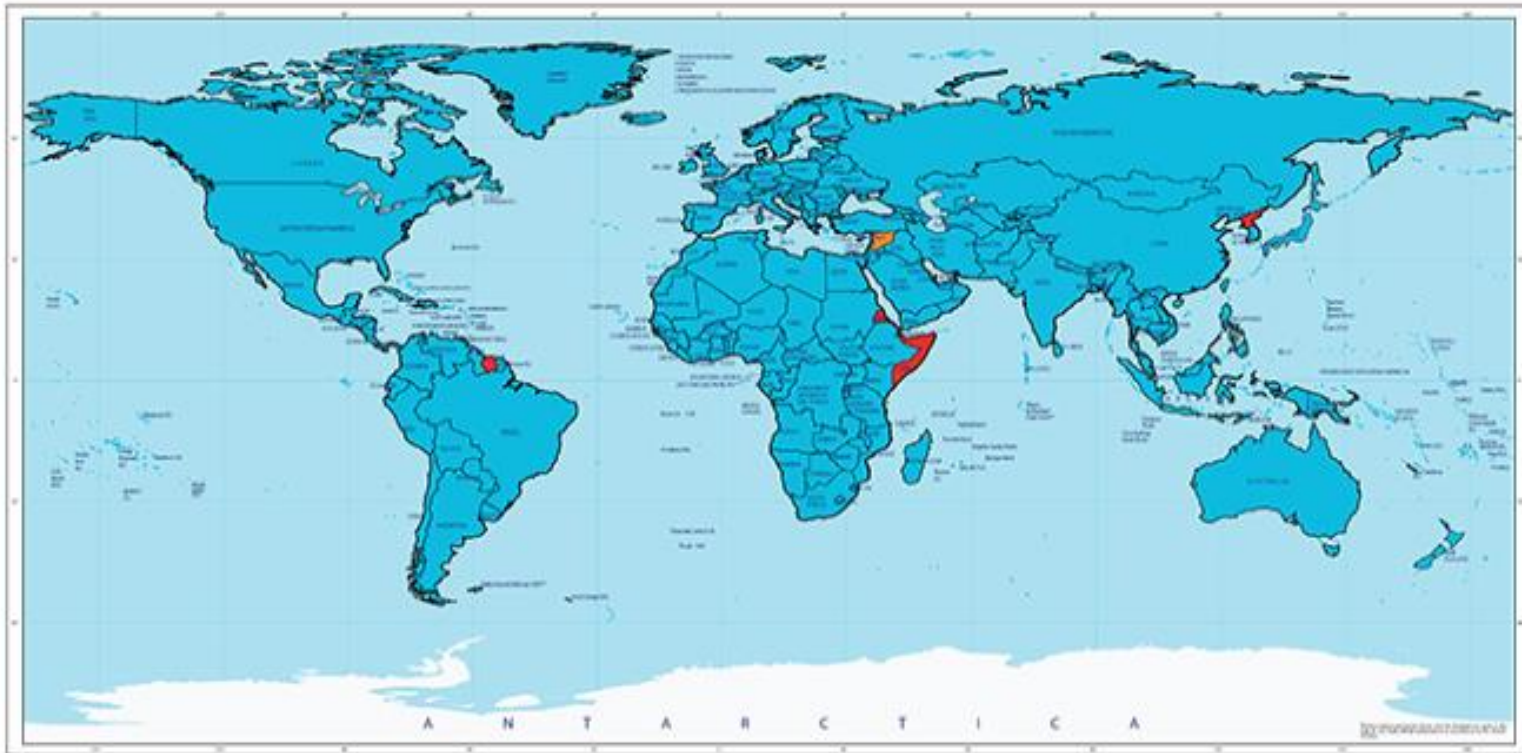
STRUCTURE OF PRESENTATION

- **General Overview**
 - The UN Convention against Corruption
 - The Implementation Review Mechanism to the Convention
 - The Conference of States parties and Working Groups
- **Consideration of best practices**
 - Through country reviews
 - Through the Working Groups
 - Through note verbales, questionnaires and expert group meetings
 - Concrete examples



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Parties: **186**

Status as of: **26 June 2018**

-  States Parties
-  Signatories
-  Countries that have not signed or ratified the UNCAC



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UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

Preventive
measures

Criminalization
and law en-
forcement

International
cooperation

Asset
recovery

Technical
assistance



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IMPLEMENTATION REVIEW MECHANISM TO THE UNCAC (IRM)

- Mandatory peer-review process for all States parties
- First review cycle: criminalization and law enforcement, international cooperation
- Second review cycle: Preventive measures, asset recovery
- Technical, inclusive, non-adversarial, opportunity to collect good practices
- Executive summaries published



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GOVERNING BODIES TO THE UNCAC





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COLLECTION OF BEST PRACTICES THROUGH THE IRM

- Good practices identified per article of the Convention
- Highlighted in executive summary in dedicated section
- Published in all six UN languages
- Publication of full report optional
- Database of >1000 good practices and almost 7000 implementation gaps
- Basis for follow-up tailor-made technical assistance

Executive Summaries and other documents available on UNODC Website:

<http://www.unodc.org/irp/implementation-report/implementation-report.html>

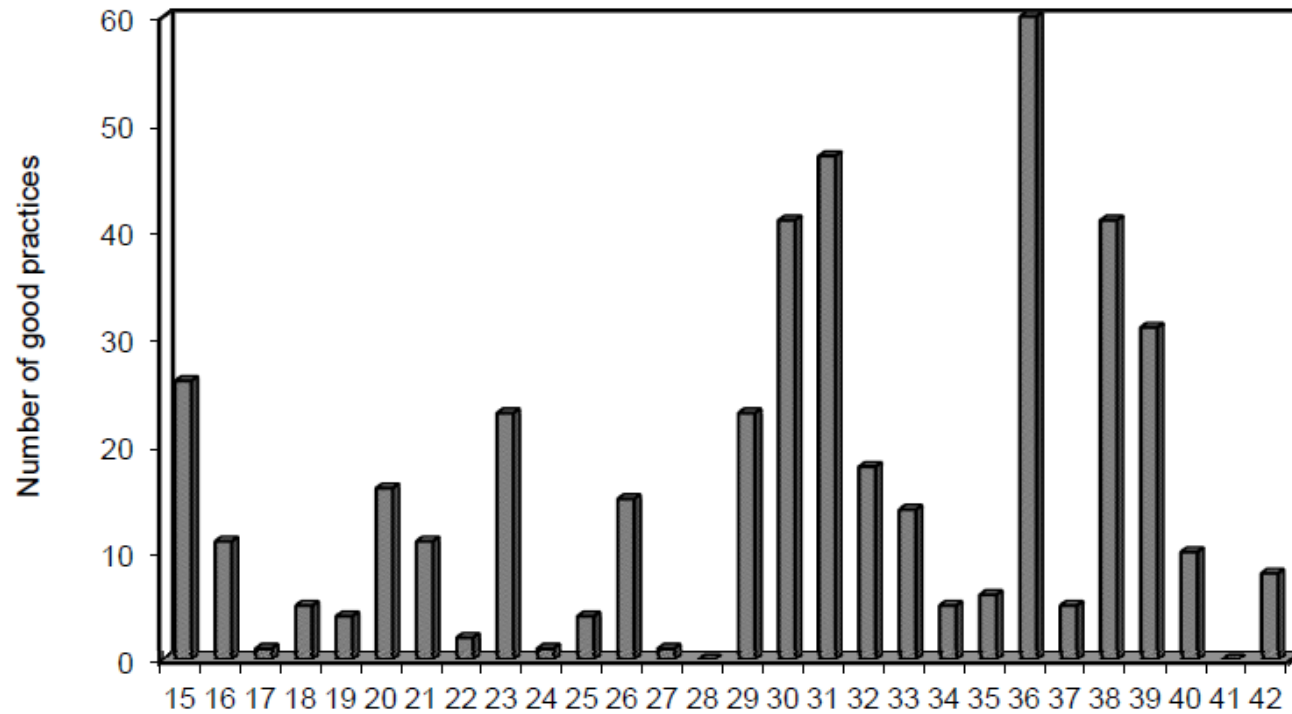


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CAC/COSP/IRG/2016/6

Figure II
Good practices identified in the implementation of chapter III of the Convention





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Table 2

Most prevalent good practices in the implementation of chapter III of the Convention

<i>Article of the Convention</i>	<i>Most prevalent good practices in implementation (in order of prevalence of identified good practice, organized by article of the Convention)</i>
Specialized authorities (art. 36)	<ol style="list-style-type: none">1. Specialization of relevant authorities and their staff, also for complex cases of economic fraud and corruption.2. Specific mandate, oversight mechanisms and operational measures, including the use of strategy documents and statistical indicators.3. Adequate capacity and resources for the specialized authority.4. Measures to ensure independence.5. Existence of specialized anti-corruption courts.6. Measures related to other bodies, in particular financial intelligence units.
Prosecution, adjudication and sanctions (art. 30)	
Sanctions for offences under the Convention (para. 1)	Determination of sanctions taking into account the gravity of offences and measures to pursue penal law revisions in line with the Convention.
Discretionary legal powers (para. 3)	Effective exercise of discretion to prosecute offences and appropriate operational oversight of institutions subject to prosecutorial discretion.



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STATE OF IMPLEMENTATION – THE IMPACT OF THE IRM

- study based on the findings and results emanating from the first cycle reviews of 156 States parties (2010-2015)
- Two editions
- Implementation of chapters III and IV
- Trends and patterns in implementation
- Good practices and challenges
- Systemic or regional nuances



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State of implementation of the United Nations Convention against Corruption

Criminalization, law enforcement and
international cooperation
Second edition



UNITED NATIONS




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SET OF NON-BINDING RECOMMENDATIONS AND CONCLUSIONS

- 6000 recommendations
- 1000 good practices
- Based on 167 completed first cycle
- Country reviews

United Nations CAC/COSP/IRG/2019/3

 **Conference of the States Parties
to the United Nations
Convention against Corruption** Distr.: General
21 March 2019

Original: English

Implementation Review Group
Tenth session
Vienna, 27–29 May 2019
Item 2 of the provisional agenda*
**Review of implementation of the United Nations
Convention against Corruption**

**Set of non-binding recommendations and conclusions
based on lessons learned regarding the implementation of
chapters III and IV of the United Nations Convention
against Corruption**

Note by the Secretariat

Summary

In its resolution 6/1, the Conference of the States Parties to the United Nations Convention against Corruption requested the Implementation Review Group to analyse the information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of the first review cycle, considering the thematic implementation report prepared in accordance with the terms of reference, and to submit a set of non-binding recommendations and conclusions based



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EXAMPLES OF GOOD PRACTICES

- 1st cycle: Criminalization and law enforcement, international cooperation
- 2nd cycle: Preventive measures, asset recovery
 - Currently ongoing
 - Two MESICIC countries have completed their reviews
 - Good practices: Transparency in the public sector and FIU cooperation



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EXAMPLES OF GOOD PRACTICES

- 2nd cycle: Preventive measures, asset recovery
- 1st cycle: Criminalization and law enforcement, international cooperation
 - Over 200 good practices identified in the 29 countries that are Party to the MESICIC and the UNCAC
 - = over 1/5 of all global good practices
 - Good practices in the areas of

Illicit
enrichment

Long
statute of
limitations

Asset
recovery

Victim and
Whistleblower
protection

Specialized
agencies
or teams

Inter-agency
cooperation

Extradition

Mutual legal
assistance

Networks
and treaties



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TECHNICAL ASSISTANCE AND PLATFORMS

Example: Creation of regional platforms, including South America and Mexico

- Objective: to fast-track effective UNCAC implementation of the Convention by focusing on thematic areas identified as regional priorities of work
- IRM is one of the key components of the 'priorities identification' process
 - Provides trends regarding common challenges and technical assistance needs
- Good practices identified through IRM:
 - facilitate peer learning
 - indicate which countries could provide support to others in the framework of the regional platforms

Priorities identified for South America and Mexico platform:

- Integrity systems with a focus on conflict of interest and income and asset declaration;
- Corporate liability with a focus on assessing/monitoring the adequacy of corporate compliance systems
- Whistle-blower protection
- International cooperation



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THE ROLE OF THE WORKING GROUPS

- <https://www.unodc.org/unodc/en/corruption/WG-Prevention/working-group-on-prevention.html>



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EXPERT GROUP MEETINGS

- Organization of Expert Group Meetings to collect best practices from States parties and other organizations
- E.g. EGMs on corruption in sports, asset management, corruption involving vast quantities of assets, beneficial ownership transparency



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DEVELOPMENT OF KNOWLEDGE TOOLS

- Analysis of good practices results in publications and knowledge tools
- E.g.: eLearning modules on anti-corruption, available through UNODC global eLearning platform (<https://www.unodc.org/elearning/>)



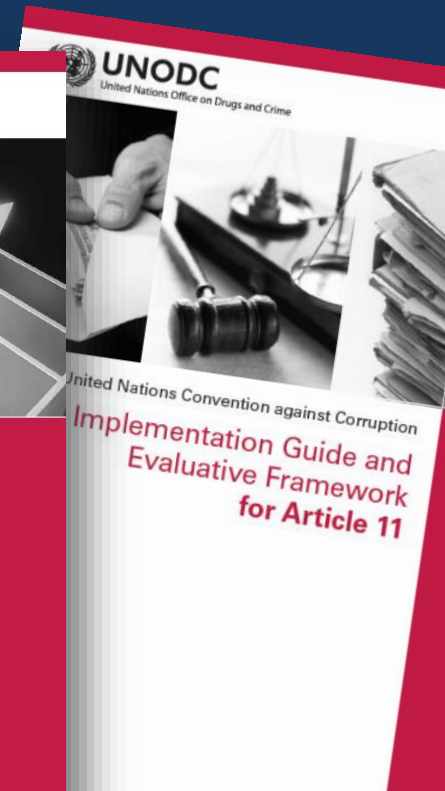
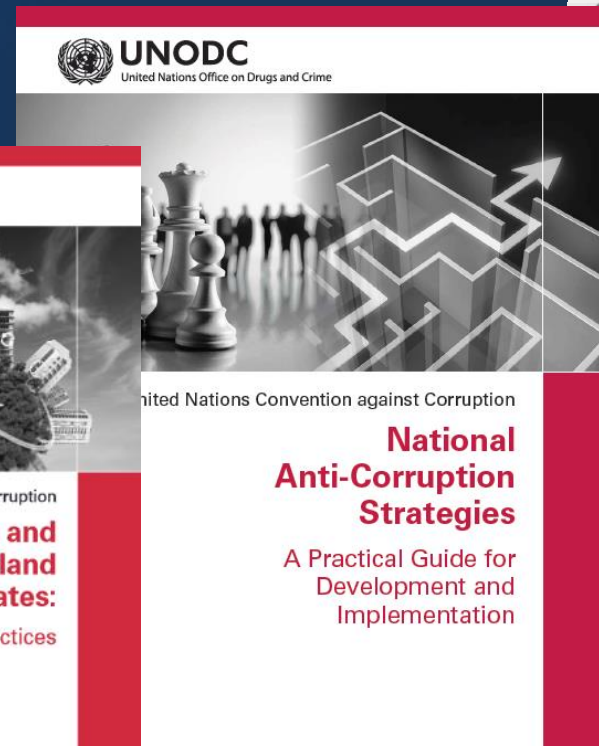
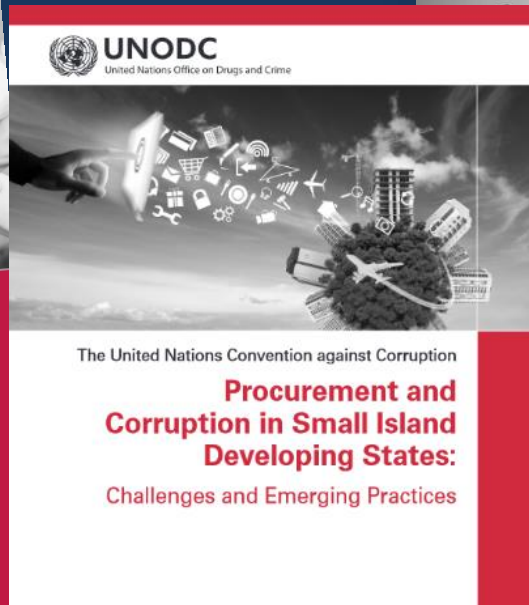
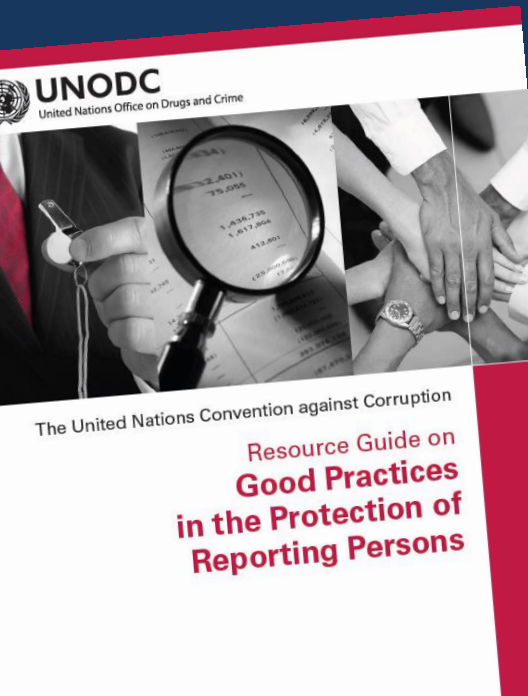


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DEVELOPMENT OF KNOWLEDGE TOOLS

- Global knowledge tools available in Arabic, French, Spanish and English
- “National Anti-Corruption Strategies” downloaded over 9000 times since publication
- Good practices compiled can in turn be used by other States





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THANK YOU!

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