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Dimosthenis Chrysikos
UNODC/DTA/CEB/CSS

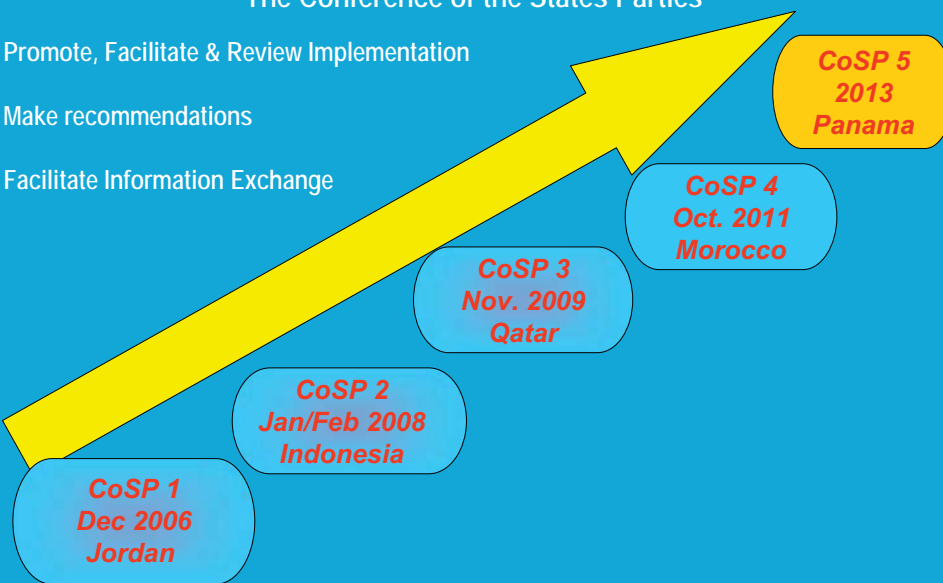


The United Nations Convention against Corruption – The role of the Conference of the States Parties to the UNCAC and its Review of Implementation Mechanism

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The Conference of the States Parties

Promote, Facilitate & Review Implementation
Make recommendations
Facilitate Information Exchange



CoSP 1
Dec 2006
Jordan

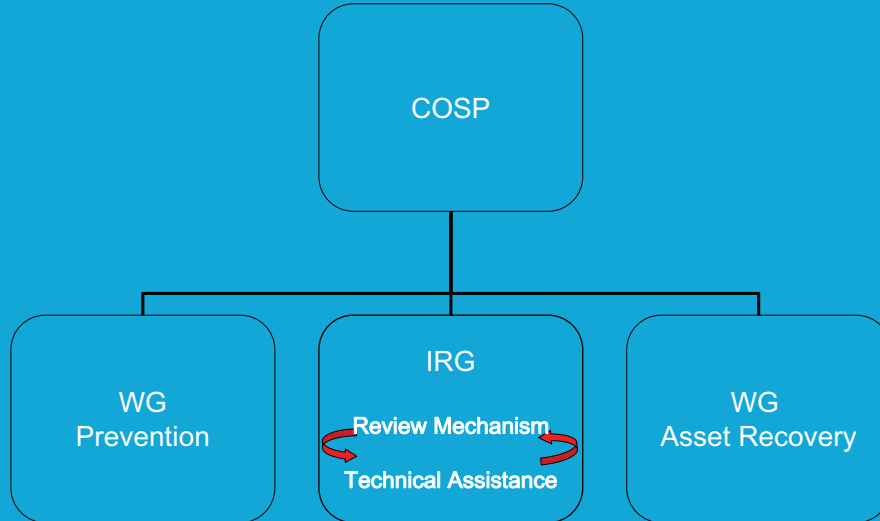
CoSP 2
Jan/Feb 2008
Indonesia

CoSP 3
Nov. 2009
Qatar

CoSP 4
Oct. 2011
Morocco

CoSP 5
2013
Panama

Current architecture of UNCAC treaty bodies



The 4th session of the CoSP, Marrakech 24 – 28 October 2011 - Highlights

1. Consolidation of Review mechanism and relevance for technical assistance
2. Marrakech Declaration on Prevention
3. Int. Cooperation in Asset Recovery





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Resolution 4/1 – Consolidation of the Review Mechanism

- Recognises the valuable role of TA and the importance of addressing TA in the mechanism
- IRG to decide priority areas for the provision of technical assistance based on outcomes of IRM
- Encourages State Parties to share experience on technical assistance annually during Group meetings
- Secretariat to continue work on thematic reports, deliver technical assistance and develop partnerships with other technical assistance partners
- Secretariat to produce an executive summary template



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Resolution 4/3 - The Marrakech Declaration on Prevention

The resolution requests the Secretariat to:

- Continue to assist the Working group on Prevention;
- Continue to function as an observatory of good practices in preventing corruption;
- Create opportunities for the involvement of young people as key actors on the prevention of corruption;
- Promote the responsible and professional reporting by journalists on corruption;
- Continue to cooperate with UN DESA in the prevention of corruption;
- Report at the 5th session of the COSP on the Institutional Integrity Initiative of the Chief Executive Board;
- Continue to provide TA for the implementation of Chapter II



Resolution 4/5 – Participation of intergovernmental organizations in the work of the Implementation Group

- Int. Organisations with standing invitation from the General Assembly to participate in work of the UN may:
 - Attend sessions of the Implementation Working Group
 - Deliver Statements at the invitation of the Chair of the Group
 - Receive documents of the Group
 - Submit their views in writing to the Group

Resolution 4/6 – NGOs and the Review Mechanism

- Briefings for NGOs to take place on the margins of the Review Group
- NGOs encouraged to report to the Conference / the Review Group on their activities and contributions to the implementation of the recommendations and conclusions of the Review Group



Review mechanism - structure

- I. Introduction
- II. Guiding principles and characteristics of the Mechanism
- III. Relationship with the Conference of the States Parties
- IV. Review Process
 - A. Goals
 - B. Country review
 - C. Implementation Review Group (IRG)
 - D. CoSP
- V. Secretariat
- VI. Languages
- VII. Funding
- VIII. Participation of Signatories in the Mechanism

Terms of reference – main elements

- Peer review process
- Drawing of lots for each year of the review cycle
- One phase = two cycles of five years
 - First cycle: chapter III (Criminalization and law enforcement); and IV (International cooperation)
 - Second cycle: chapters II (Preventive measures); and V (Asset recovery)
- Desk review of self-assessment reports
- Dialogue between State under review and reviewing States
- Possibility of direct dialogue
- Outcome of review process (report) and executive summaries
- Role of the Secretariat
- Funding

Framework documents for the Mechanism

- UNCAC
- COSP resolutions
- Terms of Reference of the Review Mechanism
- Guidelines for governmental experts and the secretariat, adopted at COSP III and finalized by the Implementation Review Group
- Blueprint for country review reports



Guidelines – main elements

- General and specific guidance
- Indicative timelines
- General guidance: purpose of the review and confidentiality
- Specific guidance:
 - Process to follow during the different stages of review
 - Self-assessment
 - Outcome of desk review
 - Dialogue including direct dialogue
 - Draft report
 - Agreement on country review report
- Blueprint for country review reports and executive summaries



The Implementation Review Mechanism – Update

Emerging trends following analysis of country reviews in years 1 and 2

Implementation of Chapter III (Criminalization and Law Enforcement)

Examples of challenges :

- Inconsistency in adopting constituent elements of the bribery offences in full compliance with the UNCAC requirements;
- Not equal standards regarding criminalization and sanctioning measures against bribery in the private sector;
- Introduction of procedures and measures to protect reporting persons (whistle-blowers)

The Implementation Review Mechanism – Update

Emerging trends following analysis of country reviews in years 1 and 2

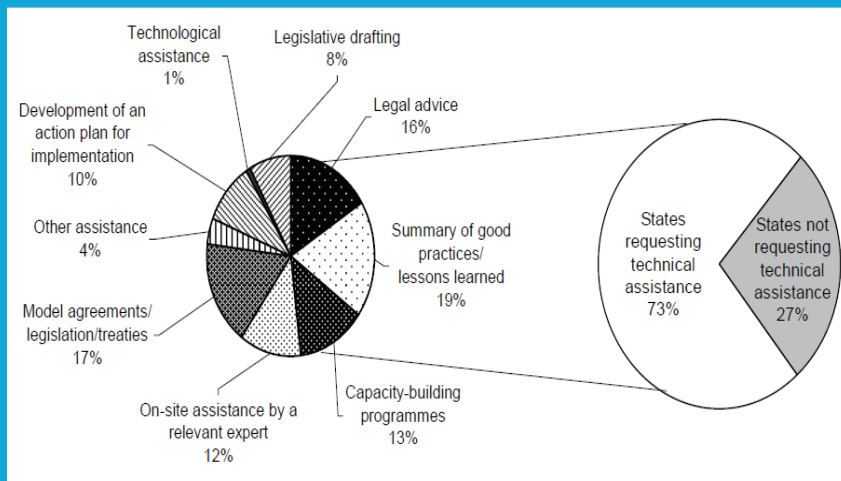
Implementation of Chapter IV (International Cooperation in Criminal Matters)

Examples of challenges :

- Need to strengthen channels of communication between competent authorities;
- Establishment of databases containing statistics and practical information on the implementation of the legal framework on extradition and MLA;
- More streamlined cooperation in conducting special investigative techniques;
- Allocation of additional resources to strengthen the efficiency and capacity of international cooperation mechanisms

The Implementation Review Mechanism – Update

TA needs identified through the self-assessment checklist by countries under review
- Chapters III and IV -



UNCAC Legal Library (TRACK)

➤ Collection, organization and online availability of:

- Corruption-related laws;
- National anti-corruption plans/strategies;
- Anti-corruption bodies;
- Corruption-related cases.

➤ Added benefits:

- Practical implementation guidance;
- Resource for national legislators, anti-corruption authorities, assistance providers;
- Supporting analytical efforts;
- Convertible into training and educational materials;
- Promoting innovation.



TRACK: Tools and Resources for Anti-Corruption Knowledge

<http://www.track.unodc.org/Pages/home.aspx>

For further information:

Corruption and Economic Crime Branch
Division for Treaty Affairs
United Nations Office on Drugs and Crime
P.O.Box 500 Vienna
A-1400 Austria
Tel: +43-1-26060-5586

dimosthenis.chrysikos@unodc.org

