



**UN CONVENTION
AGAINST CORRUPTION
PROGRESS REPORT 2013**

Transparency International is the global civil society organisation leading the fight against corruption. Through more than 90 chapters worldwide and an international secretariat in Berlin, we raise awareness of the damaging effects of corruption and work with partners in government, business and civil society to develop and implement effective measures to tackle it.

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Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of 30 September 2013. Nevertheless, Transparency International cannot accept responsibility for the consequences of its use for other purposes or in other contexts.

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1. INTRODUCTION

The *UN Convention against Corruption* (UNCAC) is the landmark international anti-corruption treaty adopted by the UN General Assembly in October 2003. It is the key instrument for overcoming corruption around the world. The negotiation of this comprehensive treaty and its ratification by 168 countries is one of the most outstanding achievements in the field of anti-corruption, providing a “global response to a global problem.”¹

Transparency International has actively supported the UNCAC from the early days, beginning with the Vienna negotiations in 2001-2003, and participated in the 2003 signing conference in Merida. Transparency International has emphasised all along that a follow-up monitoring system would be needed to ensure effective implementation of the UNCAC by governments, and played a leading role in the six-year effort that resulted in the adoption of the Review Mechanism at the Third Conference of States Parties (COSP) in Doha in 2009. Transparency International and its national chapters (NCs) have closely followed the UNCAC review process since it started operating in 2010 and prepared overview reports on the first three years of reviews.²

The UNCAC review process consists of the following three-steps: (1) a self-assessment report is produced by the country under review by completing a comprehensive checklist; (2) the self-assessment report is assessed by experts from two reviewing countries, including a country visit if requested by the reviewed country; and (3) the reviewers produce a final country review report, which is finalised in agreement with the country under review.³

The review of each State party is conducted by two peer governments supported by the UN Office on Drugs and Crime (UNODC) in Vienna, which serves as secretariat for the UNCAC. The review process is overseen by the Implementation Review Group (IRG), an open-ended intergovernmental group of States parties. The process is divided into two five-year cycles: first cycle (2010-2014) review of Chapter III (Criminalization and law enforcement) and IV (International cooperation); and second cycle (2015-2019) review of Chapter II (Preventive measures) and V (Asset recovery).

It is important to recognise that the Implementation Review Mechanism must deal with daunting challenges that are orders of magnitudes greater than those of other anti-corruption treaties. These result from the UNCAC’s extremely comprehensive scope and its worldwide membership of countries with large differences in political and legal systems. What has been accomplished in three years is impressive, but the process is still evolving. Conducting 30-40 country reviews each year and also assimilating lessons learned is very difficult.

This report is intended to contribute to the discussions of the Fifth COSP in Panama 25-29 November 2013 and to provide information to assist the review process. Transparency International plans to prepare further progress reports prior to each COSP. Future reports will focus more on the status of UNCAC implementation once more enforcement data is available.

¹ See U4 Anti-Corruption Resource Centre, “UNCAC in a Nutshell”, available at: www.u4.no/publications/uncac.../3025.

² See www.uncaccoalition.org/uncac-review/cso-review-reports.

³ See U4 Anti-Corruption Resource Centre, “The Role of Civil Society in the UNCAC Review Process”, available at: www.u4.no/.../the-role...uncac-review.../3070.

2. ORGANISATION AND METHODOLOGY

This report is based on data about the country review process collected via non-governmental organisation (NGO) responses to a questionnaire about their experiences with the review process in 60 of the 69 countries in the first two years of the review.⁴

The report also draws on findings and recommendations about the UNCAC review process in a number of NGO parallel reports. In addition, informal conversations were held with stakeholders involved in the country reviews.

The research regarding the review process outputs is based on country review reports, executive summaries, self-assessments, UNODC thematic reports and reports on technical assistance needs.

The available country self-assessments and country review reports are summarized in the table in Appendix A of this report. Information gathered about transparency and participation in the first two years of country reviews is contained in tables in Appendix B. The classifications in the tables do not take into account a number of variations in how country reviews are handled and in the initiative taken by NGOs to obtain information or get involved.

⁴ Additional data was also collected from 26 NGOs in countries under review in the third year of the review process, but this data is inconclusive given the delays in the review schedule.

3. KEY FINDINGS AND RECOMMENDATIONS

After three years of operation the UNCAC Implementation Review Mechanism is off to a promising but uneven start with room for improvement in a number of key areas:

RATIFICATION

It is impressive that 168 countries have ratified the Convention. It is a matter of serious concern that two major world exporters, Germany and Japan, have failed to do so. They are the only G20 countries that have not followed the G20 commitment⁵ to do so.

Recommendation:

- Germany and Japan as well as other countries that have not yet ratified the UNCAC should do so without further delay.

FOLLOW-UP ACTION ON COUNTRY REPORTS

No follow-up process has been established to address the implementation by governments of the recommendations made in the country reviews. Without timely follow-up it is not possible to ensure that the recommendations are acted upon and the purpose of the review process is undermined.

Recommendations:

- The Fifth COSP should call on States parties to prepare national action plans to respond to recommendations made in the country review reports.
- Action plans should be completed within six months of the publication of the executive summary and submitted to UNODC, the two peer review countries and the Implementation Review Group, as well as published on the UNODC website. The action plans should include information on technical assistance required, where applicable.

OVERCOMING DELAYS

The review process is significantly behind schedule with approximately 120 country reviews to be completed in the two years remaining in the first cycle of reviews. A range of issues at country level have been cited as explanations for the delays, based on conversations carried out with reviewers. (We do not know how many country reviews are close to completion and whether the goal of completing the first cycle of country reviews in 2014 is still attainable.)

- UNODC has built up a high-quality expert staff to manage the implementation review process and to support the governments conducting peer reviews, but the delays in the review process and other issues raised below indicate that even greater support from the UNODC Secretariat is needed to deal with these issues.

⁵ See www.g20.org/load/781360452.

Recommendations:

- Based on UNODC's report on the status of country reviews, the Fifth COSP should adopt actions to overcome current delays. These should help speed up the completion of lagging country reviews and if possible introduce broader, systemic steps to expedite the review process.
- Increase resources of UNODC to enable the Secretariat to provide adequate support to the country reviews.

INCREASING TRANSPARENCY

Forty-five executive summaries have been completed and published on the country pages of the UNODC website as of September 2013. Only 17 country review reports and 16 country self-assessment reports have been published.⁶

- The executive summaries published by UNODC are informative but the low number of published country review reports limits the ability to assess the adequacy of the summaries.
- Publication of self-assessment reports and country review reports is not mandatory but has been authorised by some States parties involved on a voluntary basis.

Recommendations:

- Make public the country review reports as well as government self-assessment reports on the UNODC website and also publish them on national websites.
- UNODC should invite governments to grant this authorisation in a positive step to increase public understanding about the review process and convention.

ENSURING COUNTRY VISITS AND STRENGTHENING NGO PARTICIPATION

It is very encouraging that most governments have agreed to permit country visits and have not chosen the inadequate option of desk reviews. Based on information provided by NGOs Transparency International found that in almost 90% of the 60 countries surveyed governments have agreed to permit country visits.

When country visits took place, there has been widespread participation of non-governmental organisations (NGOs) in the review process, though there have been some obstacles to their involvement.

Recommendations:

- The practice of country visits has become the norm and should be followed in all countries undergoing review.
- Governments should consult NGOs during the self-assessment process.
- NGOs should be consulted during country visits by review teams to make the country reviews credible and participatory.
- Accessibility and quality of information that is published about the review process (including information about the focal point and schedule) should be increased.

⁶ Either on the UNODC website or on national websites.

OBSERVER STATUS FOR NGOs

The rules on observer status for non-governmental organisations (NGOs) in the IRG and other subsidiary bodies established under UNCAC Article 63 are not being respected. NGOs have been denied admission as observers to the IRG and the Intergovernmental Working Groups on Prevention and Asset Recovery. This exclusion is based on unjustified objections made by a small number of governments. UNODC arranged briefings for NGOs on the outcomes of the review process at the June 2012 and 2013 IRG meetings. These briefings resulted in useful exchanges, but were not adequate substitutes to granting NGOs full observer status.

Recommendation:

- It is time to go beyond half measures. NGO observer status should be respected in the IRG, the Intergovernmental Working Groups on Prevention and Asset Recovery, as well as any future such working group created.

TECHNICAL ASSISTANCE

Country reviews in many countries have made clear that governments need technical assistance to enable them to comply with the UNCAC. Some assistance is being provided by UNODC and some governments. However, available technical assistance is insufficient to meet the demand.

Furthermore the available information indicates that non-governmental organisations are not involved in the design and delivery of technical assistance programmes. Transparency International has national chapters in many of the countries looking for technical assistance, as well as in practically all the countries able to provide technical assistance. Thus it can play a useful role in facilitating the development of effective technical assistance arrangements.

Recommendations:

- States parties that have requested technical assistance should include information about its delivery as part of their action plan.
- Non-governmental organisations with expertise in areas covered by technical assistance should be invited to participate in the development and, where appropriate, delivery of technical assistance programmes.

REVIEW PRODUCTS

Transparency International's review indicates that the quality of country review reports varies greatly. This is inevitable in the early years of a complex review process covering countries with very different legal systems and using different peer reviewers for each country review. Recommendations are often expressed in very general terms that fail to provide useful guidance to governments.

UNODC's thematic reports provide an essential tool for strengthening the quality and consistency of country reviews but fall short of their potential to provide guidance due to the very general examples used and lack of reference to country names.

Recommendations:

- Consider ways to improve the quality of country reviews, including the possibility of additional guidance material and training of reviewers, as well as increased resources for UNODC support to the review process. The thematic reports could provide more useful guidance if they used more specific examples, including mention of country names.

- UNODC and the Implementation Review Group should develop ways to enable countries to learn more from exchanging their experience with reviews and implementation. This could be done within the Implementation Review Group and might also be facilitated by organizing voluntary groups of governments on a regional basis, or based on issues of common interests.

The following sections elaborate on these findings and recommendations. Some additional more detailed recommendations are also included.

4. FOLLOW-UP ACTION ON COUNTRY REPORTS

The UNCAC reviews produce a set of findings and recommendations for each country. After investing significant resources⁷ into conducting country reviews it stands to reason that there should be follow-up on the findings and recommendations. Without a clear process for follow-up, governments might simply move on to other business instead of implementing the recommendations in the country review. Some NGOs surveyed reported that the absence of a formal process for following up on these recommendations results in a lack of action for implementation.

There are no currently known plans for follow-up on the recommendations in the country reviews. The terms of reference for the Review Mechanism foresee follow-up in the distant future. Such delayed follow-up is not adequate to sustain momentum. Without follow-up, the efforts and resources invested in the reviews may be going to waste. The fact that the first cycle reviews are behind schedule does not justify the lack of follow-up on recommendations made in the concluded country reviews.

Transparency International recommends the following to address the outcome of country reviews:

- Establish a prompt follow-up process to the findings and recommendations made in the country review reports. Country action plans to overcome deficiencies should be submitted six months after the release of the executive summary to the IRG, the two peer review countries and UNODC. These action plans should also be made public on the UNODC website.

⁷ Overall cost of the Review Mechanism is approximately USD 3,000,000 in a given year as reported to the Implementation Review Group. For the detailed budget see: www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/14-16November2012/V1257290e.pdf.

5. OVERCOMING DELAYS

There have been major delays in the first cycle of country reviews. Four months into the fourth year of the review process only 45 executive summaries have been published. (Publication of the executive summary generally indicates that the review has been completed, but in some cases work on the country review report continues after publication of the executive summary.) This is significantly less than the initial target and indicates that the original schedule⁸ is not feasible. In particular, the estimated six-month time frame per country review has proven unrealistic, at least in this start-up phase.

According to informal discussions with government officials involved in reviews, the delays occur at all stages of the review process, starting with delays in the appointment of the country focal point and ending with delays in the process of approving the final country review report. The country review schedule needs to reflect that time-consuming coordination between different government departments and cabinet approval is reportedly sometimes required and thus the six-month time frame may be insufficient.

One early stumbling block is that the self-assessment checklist is accessed through a cumbersome software which is difficult to download. Efforts have been made by UNODC to address the challenges of the self-assessment checklist and to support governments, for example by organising workshops, but concerns persist.

Additionally, the need to translate documents into other languages is costly and is reportedly a cause of delays. Legal translations have to be reviewed by multi-lingual legal experts.

In view of the slow current rate of completion of country reviews, the following two questions arise regarding the completion of the first cycle of reviews:

- Is it feasible to complete over 120 reviews in the time remaining in the first cycle of reviews?
- Are more resources needed to get back on schedule?

Transparency International has the following recommendations to address the issue of delays in the review schedule:

- Where bottlenecks occur at the country level, UNODC should bring those problems to the attention of the IRG and the COSP and propose steps to overcome the delays.
 - Possible corrective actions could include (a) actions at the country level to speed up the completion of particular reviews including providing technical assistance to governments; and (b) broader, systematic actions including increasing the number of UNODC staff supporting country reviews.
 - Limit translations to the language of the country being reviewed plus one other language, e.g., English, French or Spanish, whichever is most appropriate.
- UNODC should provide greater public information on its website about the timing of each stage of the review process in each country.
- For the second cycle ensure a timely process and sufficient resources to conduct effective reviews at a faster rate.
 - If necessary UNODC should prepare proposals for consideration by the IRG and the Sixth COSP for possible steps to make the second cycle of reviews more efficient without oversimplifying the process, e.g. by modifying the country self-assessment checklist.
 - Consider deferring the second cycle until the first cycle reviews are concluded and sufficient time has been given to assess and address the delays.

⁸ See www.unodc.org/unodc/en/treaties/CAC/country-pairings-year-1-of-the-review-cycle.html.

6. INCREASING TRANSPARENCY

Transparency of the review process and consideration of a variety of stakeholder views are important for a successful and effective review process. The terms of reference for the UNCAC Review Mechanism leave aspects of transparency and inclusiveness optional. Consequently this is an area calling for scrutiny in terms of actual practice in the first three years.

To find out more about actual practice, Transparency International circulated a questionnaire to its national chapters and to other UNCAC Coalition NGOs supporting anti-corruption efforts in their countries. What follows is a summary of the responses collected from NGOs in 60 of the 69 countries under review in the first two years. *Tables reflecting the NGOs' full responses are included in the Appendix B to this report.*

Publication of a range of information starting with information about the country focal point and the review process and ending with access to the country review report would help improve the transparency of the review process. Thus far, however, much of this information is not available. Publication of self-assessments and country review reports is optional for countries.

The introduction by UNODC of a country profile page was a positive development in 2012, as it compiles relevant information on each State party under review. This is a useful tool for the public and easy to navigate. The 45 executive summaries⁹ available so far have been published on this site.

While executive summaries contain concise and useful information, compared with available country review reports, they lack important information about how the review process was conducted and its findings. The country review reports are vital for overall public understanding of country successes and challenges. They often refer to pending or concluded cases as well as statistical data about investigations and cases which highlight the level enforcement efforts. Such information contributes to the knowledge base in-country and outside and enables further analysis and public discussion in the spirit of the Review Mechanism. Additionally, some reports clarify the information provided by States parties in the self-assessment.¹⁰

Thus far 15 country review reports¹¹ have been published on the UNODC website, following authorisation by those countries. Additional countries have reported that they are also planning to authorise publication. Peru¹² and the Russian Federation¹³ are known to have published their country review reports on national websites.¹⁴ Our NGO partner in Viet Nam reported that the country review report had been provided to them in hard copy by the government, but was not meant for wide distribution.

⁹ Algeria, Australia, Azerbaijan, Bangladesh, Brunei Darussalam, Bulgaria, Burundi, Chile, Croatia, Dominican Republic, Estonia, Fiji, Finland, France, Georgia, Indonesia, Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Lithuania, Malaysia, Mongolia, Montenegro, Morocco, Panama, Papua New Guinea, Peru, Portugal, Russian Federation, Sao Tome and Principe, Slovakia, South Africa, Spain, Switzerland, Timor Leste, Togo, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, Viet Nam, Zambia and Zimbabwe.

¹⁰ For example where a national provision is listed by the government in the self-assessment, but was then found by the review team not to be directly relevant for the implementation of the Convention.

¹¹ Brunei Darussalam, Bulgaria, Chile (Spanish only), Finland, France, Georgia, Kuwait (Arabic only), Morocco (Arabic only), Slovakia, South Africa, Spain (Spanish only), Switzerland, Ukraine and United Kingdom.

¹² See <http://can.pcm.gob.pe/wp-content/uploads/2013/06/Peru-Final-Report.pdf>.

¹³ See www.genproc.gov.ru/anticor/doks/document-82921/.

¹⁴ See <http://can.pcm.gob.pe/convencion-de-las-naciones-unidas-contra-la-corrupcion-onu/>.

In addition, 12 self-assessments¹⁵ have also been published on the UNODC website. Argentina, Armenia, Australia and El Salvador have published their self-assessment reports on national websites.¹⁶ NGOs in an additional 10 countries¹⁷ reported that they were provided with the self-assessment report upon request. Some other countries may have published the review outputs on government websites, but there is no readily available information to confirm this.

For over a half of countries that have completed their reviews (28/45) only an executive summary is available. Of the 45 States parties that have executive summaries only three – Finland, Switzerland and the United Kingdom – made their country review reports and self-assessments available through the UNODC website to supplement their published executive summaries.

The publication of the country review reports and self-assessments should be common practice of all States parties. Country review reports and self-assessments should be published because they contain statistics and other information of value to the public, especially those wishing to contribute to the review process. They contain no sensitive information and they are part of a review process aiming to achieve transparency and accountability. In the unlikely event that any of the reports were to include any sensitive information about investigations, this could be removed before publication.

As to public information about the review process, there is no information to date on the UNODC website about focal points and review timetables, although UNODC advises that it may in future introduce some timetable information. At national level, the data from our survey shows that in 60% of countries¹⁸ the government did not make any public announcements about the review. Our survey information further indicates that in 40% of the countries surveyed the contact details of the country focal point were not made available to NGOs.¹⁹

There is also a question about the timing of the posting of review documents on the UNODC website. Despite the introduction of country profile pages on the UNODC website, there is still no clarity about when new review outputs for a given country will be posted. Those interested in a particular country review have to check the UNODC website repeatedly over an extended period. To get an overview of all self-assessments and completed country review reports at any given point in time it is necessary to check country profiles one by one for all countries under review. The result is that there is little public awareness of the reports, which is unfortunate considering the resources and effort that go into their preparation.

Transparency International has the following proposals in order to enhance the transparency of the UNCAC Review Mechanism:

- UNODC should invite governments to authorise the publication of their self-assessments and country review reports on the country profile pages website. Governments should also publish these reports on national websites in the national language.
- More information about the review process should be published on the UNODC and national websites in an easily accessible location and format (including information about focal points and schedules). Updates should be published when changes are made. UNODC should issue press releases when reviews for a country are completed, as is done by other review mechanisms.

¹⁵ Bangladesh, Botswana (year four), Brazil, Colombia, Finland, Nigeria (year four), Portugal, Rwanda, Switzerland, Tanzania, United Kingdom and United States.

¹⁶ See Argentina: www.anticorruptcion.gov.ar/documentos/AR_UNCAC_2010.pdf; Armenia: <http://moj.am/storage/uploads/Corruption.pdf>; Australia:

www.ag.gov.au/CrimeAndCorruption/AntiCorruption/Pages/Globalleadershipincombatingcorruption.aspx; El Salvador: www.fundaciondtj.org/descarga/CNUCC.pdf.

¹⁷ Azerbaijan, Benin, Cameroon, Central African Republic, Mauritania, Mexico, Philippines, Romania, Sweden and Uruguay.

¹⁸ In 36 countries out of 60 surveyed.

¹⁹ In 24 countries out of 60 surveyed.

7. ENSURING COUNTRY VISITS AND STRENGTHENING NGO PARTICIPATION

NGOs in most of the countries surveyed reported that their governments had opted for country visits by review teams (88%).²⁰ Country visits are helpful because they make it easier for the reviewers to get an impression of the country under review and the visit encourages dialogue. Also country visits make the review process more accessible to NGOs and other interested parties.

Where they were aware of country visits, a majority of the NGOs (67%)²¹ said that at least one NGO was invited to meet a review team. This is positive, but more should be done to increase NGO participation in the country reviews.

The terms of reference of the Review Mechanism encourage countries reviewed to consult with a wide range of stakeholders on the self-assessment and to invite civil society representatives to meet review teams. This provides a more solid basis for the reviews through inclusion of the experience, expertise and analysis of stakeholders other than the government. It is also in line with UNCAC articles (such as Article 13) providing for civil society participation in anti-corruption efforts. Furthermore it contributes to raising public awareness and understanding of the review process. However, these steps are made optional.

On the other hand in over a half of the countries surveyed,²² NGOs reported that they were not invited to contribute to the country self-assessments, despite the encouragement in the review guidelines. This means that opportunities for dialogue about country performance have been missed. It is assumed that the self-assessment phase has been completed in most countries that are under review in the first three years.

In addition, as indicated in the previous section, our survey information shows that in more than a third of the surveyed countries NGOs reported difficulties accessing information about the review process. This hampered their ability to contribute. The delays in many country review processes have also created uncertainty about whether and when NGOs could contribute.

Transparency International has the following proposals in order to strengthen the inclusiveness of the UNCAC Review Mechanism at the national level:

- Country visits by the review teams have become the norm and should be followed in all countries under review.
- NGO participation in country reviews should be ensured, in line with the relevant UNCAC provisions. This should include the following steps for governments:
 - Consult with relevant NGOs and other stakeholders on the self-assessment, to take advantage of their expertise and their interest.
 - Invite NGO representatives and other stakeholders to meet review teams and to make written inputs.
- More public information should be provided on the UNODC website about the timing of each stage of the review process in each country for the benefit of civil society and other stakeholders. This information should include updates when changes are made as well as information about follow-up and technical assistance.
- Ensure NGO participation in technical assistance discussions. (*See Section 9 below.*)

²⁰ In 53 countries out of 60 surveyed.

²¹ In 40 countries out of 60 surveyed.

²² In 35 countries out of 60 surveyed.

8. OBSERVER STATUS FOR NGOs

The COSP resolution creating the Review Mechanism²³ established the Implementation Review Group to oversee the review process. Other COSP resolutions created the Intergovernmental Working Groups on Prevention and Asset Recovery. All of these bodies were created pursuant to UNCAC Article 63 and this means that NGOs may participate as observers. This is a good arrangement in line with UN practice and with the UNCAC's own provisions calling for transparency and involvement of civil society in the fight against corruption. It contributes to greater public awareness, interest and involvement in UNCAC processes.

In practice, however, NGOs have been denied entry to meetings of the Implementation Review Group and the Intergovernmental Working Groups on Prevention and Asset Recovery. NGOs have applied to attend meetings of Article 63 subsidiary bodies, but UNODC has declined to issue them invitations on the grounds that the rules are unclear and have to be clarified by the COSP. This practice is a matter of great concern. It should be brought to the attention of the President of the COSP who has the authority to decide on procedural matters.

UNODC's decision not to invite NGOs is due to unjustified objections from a small number of countries that claim that the Rules of Procedure are not clear and that NGOs should therefore not be admitted. The rules are in fact very clear. Rule 2 of the COSP Rules of Procedure calls for the COSP rules to apply "mutatis mutandis" to subsidiary bodies established under UNCAC Article 63. Rule 17 allows for non-governmental observers in COSP plenaries. Rule 40 calls for COSP plenaries to be public unless decided otherwise. Translating these rules to the context of subsidiary bodies "mutatis mutandis" means that all meetings of those bodies are public unless decided otherwise and civil society observers can attend unless the meeting is declared to be private or a decision is made to exclude them. An opinion of the UN Office of Legal Affairs²⁴ confirms that NGOs have observer status in the IRG.

By way of a temporary compromise with regard to the IRG, a resolution adopted at the Fourth COSP in Marrakesh calls for UNODC to arrange briefings for NGOs on the margins of IRG meetings about the outcomes of the review process.²⁵ These liaison meetings between the IRG and NGOs have taken place twice and have demonstrated that the work of the IRG is of great interest to NGOs and that they can make constructive contributions to its work.

However, this short-term stop gap measure is no substitute for the observer status called for under the COSP Rules of Procedure. To exclude NGOs, the COSP would have to reach a decision to that effect. Participation of NGOs is the status quo that should be respected in the absence of a COSP decision. *A separate briefing note on this subject has been prepared by Transparency International and the UNCAC Coalition.*

Transparency International has the following proposals in order to enhance the inclusiveness of the UNCAC Review Mechanism on the international level:

- UNODC should be instructed to follow the applicable Rules of Procedure and to invite NGOs as observers to the IRG, the Intergovernmental Working Groups on Prevention and Asset Recovery and any other subsidiary bodies established pursuant to UNCAC Article 63.

²³ See Resolution 3/1, available at: www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session3-resolutions.html.

²⁴ CAC/COSP/IRG/2010/9, "Legal Opinion from the Office of Legal Affairs", Vienna, 29 November to 1 December 2010, available at: www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/V1056031e.pdf.

²⁵ See Resolution 4/6, available at: www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session4-resolutions.html.

9. TECHNICAL ASSISTANCE

One of the goals of the UNCAC Review Mechanism is to identify technical assistance needs and to facilitate and promote that these needs are met.²⁶ The country review reports contain such information and UNODC has also prepared aggregated information about the technical assistance needs identified.²⁷

Expressing needs for technical assistance is important as this is often required in order for States parties to follow-up on the outcomes of their review. According to UNODC, once the review of a State party is concluded, with a final review report that indicates technical assistance needs, UNODC contacts the government in question to offer to help develop a prioritised action plan to address the outcome of the review and to discuss how to meet the needs identified.

UNODC also develops tools to assist country implementation. It should focus first on tools in the areas identified as most challenging for countries. In order for the review findings to provide a basis for such prioritising there should be a certain degree of consistency and clarity in the evaluations across countries. This is discussed in the next section.

Another issue is multi-stakeholder participation in the process of elaborating technical assistance requests and programmes. NGOs in almost 90% of the countries²⁸ surveyed also reported that they were not invited to participate in the discussions relating to States parties' technical assistance needs.

In order to improve efforts to address technical assistance needs Transparency International recommends the following:

- In consultation with the country under review, the review teams should develop specific plans to address technical assistance needs identified in the review process and implementation of those plans should be published as part of the follow-up process.
- Publish information about follow-up and technical assistance on the UNODC country pages website.
- Non-governmental organisations should be invited to participate in the development of technical assistance programmes.
 - Transparency International has national chapters in many of the countries in need of technical assistance, as well as in most countries able to provide technical assistance and thus can play a useful role in facilitating the development of effective technical assistance programmes.

²⁶ See Resolution 3/1, Annex I: Terms of Reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, para.11, available at: www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session3-resolutions.html.

²⁷ See CAC/COSP/IRG/2013/3, "Analysis of Technical Assistance needs emerging from the Country Reviews", available at: www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/27-31May2013/V1382008e.pdf.

²⁸ In 54 out of 60 countries surveyed.

10. REVIEW PRODUCTS

While the review products contain valuable information and analysis, some concerns remain. Below is a quick overview of the different products.

SELF-ASSESSMENTS

States parties under review are free to decide whether to publish their self-assessments. These reports are long and detailed, and sometimes run to hundreds of pages. They reference applicable provisions of national laws implementing each UNCAC article under review. There is also a section in which States parties express whether they require any technical assistance for implementing the provision. Because of their length and structure, resulting from the complicated design of the self-assessment checklist, they are not user-friendly. They are nevertheless useful, particularly for groups interested in inputting into the review process. Their job is made easier if they can simply comment on the self-assessments.

Given the number of articles under review it is an extremely difficult task to address the shortcomings of the self-assessments. UNODC has taken some steps to make the self-assessment checklist more user-friendly, but more could be done.

In order to improve the self-assessment reports in the future, it is recommended to:

- Create a less burdensome and less labour intensive self-assessment checklist.
- Establish that final self-assessment reports should be published.

EXECUTIVE SUMMARIES

These short reports are useful, containing concise information about the outcome of the country review. They vary in length, structure and overall quality. The length ranges from eight to 13 pages and is limited by the need for translation into the six official UN languages. The latest reports have adopted a new, uniform structure providing an article-by-article breakdown under Chapters III and IV. This makes it easier to identify the challenges and best practices and is thus a positive step. Finally and most importantly, the executive summaries contain recommendations.

The recommendations generally cover the areas where room for improvement has been identified by the review teams. The standards followed are not, however, consistent across reports. One way in which the executive summaries are uneven is that the number of recommendations for each country varies from between four and 50 recommendations or observations per country. For example Algeria received only a total of four recommendations and the Russian Federation received six, while Finland received 19 and Mongolia received 46. A country might receive between zero and 15 recommendations on a given article.

While countries can vary widely in their performance, the variation in the number of recommendations raises some concerns about the consistency of standards applied by the review teams. It may be that some adjustment is being made by reviewers according to the level of development of the country concerned, but this is not clear from the reports.

The way the recommendations or observations are formulated also varies greatly. They range from the very general to the very specific. Sometimes they relate to topics that are not under review (e.g., the judiciary or political party financing), which means they are not covered consistently across countries. The recommendations about the judiciary that are made in some reports demonstrate the difficulty of assessing enforcement without also talking about the judiciary.

The recommendations also appear to give a heavier focus to the legal framework than to actual enforcement. The adoption of laws is an important first step, but does not reveal how well a country is doing in enforcing anti-corruption measures. For that, it is important to know enforcement statistics and case information, as well as to have key information about how the enforcement system is functioning. While enforcement data is not always available, it should be the practice to include any available data, to comment on data availability and to provide assistance for improvements in data collection and publication of information about cases.

The executive summaries are useful, but leave out this and other important information from the self-assessments and country review reports that should be included. This includes valuable information on national legislation and enforcement data.

In order to improve the executive summaries in the future, Transparency International recommends that they should:

- Continue with the latest structure.
- Employ more consistent analysis and apply more consistent standards.
- Increase attention to enforcement issues.
- Be extended to include information on the review process and more information on enforcement, including statistical data and case information.

COUNTRY REVIEW REPORTS

The country review reports vary in length. Those published range from 77 pages (Finland) to 300 pages (United Kingdom). They include a general overview of the legal and political system of the country and the relevant institutions. The reports then provide an article-by-article breakdown of the implementation of the UNCAC provisions, presenting the text of the relevant national legislation and the review team's comments, including recommendations for improvement where applicable. As mentioned above, the reports include valuable statistics and case law information.

Regarding the country review reports, Transparency International recommends that they should:

- Increase attention to enforcement issues, including providing more commentary on the availability of enforcement statistics and case law information.
- Employ more consistent analysis and apply more consistent standards.
- Be published on the UNODC website and on national websites.

THEMATIC REPORTS

UNODC has prepared thematic reports based on the outcome of country reviews to summarise most common and relevant information on successes, good practice, challenges and observations on the implementation of the provisions under review. The latest set of reports was published on 22 March 2013. These reports are in four parts and cover all the UNCAC provisions under review in the first cycle. In length they are between 15 and 20 pages and draw on the reviews of the States parties in the first and second year of the review process. They are interesting inasmuch as they provide information on where the most weaknesses have been identified across all countries.

The thematic reports are useful in pulling together country information on common issues and providing guidance for implementation. Currently they give some rather general country examples of implementation without reference to country names and do not provide sufficient supplementary guidance as to good practice. In future these examples could be made clearer as the reports would be more useful if countries with best practice examples could be identified.

Despite their unevenness, the findings in the review reports do permit identification of some cross-cutting issues. Quite a number are identified in UNODC thematic reports. The following are a few examples:

- The varying scope of application States parties have given to the term “public official”. In some instances main categories listed in the Convention under Article 2 are not covered, such as members of parliament, persons exercising public functions for a public enterprise, and legislators/ judicial officers/ prosecutors. This is an issue for attention in the follow-up process.
- The lack of modern tools, technical equipment and appropriate human resources for successful cooperation with others.
- The lack of adequate data on enforcement. This finding is reinforced by findings in NGO parallel reports. In 13 of 17 countries where NGOs prepared reports, they reported difficulties in accessing enforcement statistics and case information in order to assess government enforcement efforts in practice.²⁹

The thematic reports focus on legal framework issues and do little to highlight actual enforcement. Moreover variations in the stringency of the reviews mean that the statistics compiled in the thematic reports on the basis of the country reviews can only provide a rough guide.

In order to improve thematic reports in future, Transparency International recommends that UNODC should:

- Include examples that are clearer and name countries to facilitate easier knowledge sharing.
- Include examples relating to enforcement.

²⁹ See www.uncaccoalition.org/uncac-review/cso-review-reports.

11. OBSERVATIONS ON KEY ARTICLES

This section assesses the findings, observations and recommendations made in the available executive summaries. Reference is also made to country review reports and to UNODC thematic reports. In some cases, NGO parallel reports are cited.

At the outset it should be noted that overall, a review of the available country review reports suggests that the recommendations in those reports are identical to those in the executive summaries. The findings in the country review reports are more elaborated than in the executive summaries.

Based on Transparency International's own research and the data provided by UNODC in the thematic reports,³⁰ six key UNCAC provisions were selected that appear to be among the most challenging for implementation. These are analysed in more detail below.

ARTICLE 16

Bribery of foreign public officials and officials of public international organizations

In the 45 published executive summaries 19 States parties received recommendations or observations from the reviewers for better implementation of the requirements to criminalise foreign bribery.³¹ Three countries, Australia, Azerbaijan and Switzerland, were commended on specific good practices. Since this is an area where many countries are struggling to improve their rather poor performance,³² it is surprising that 22 countries received no recommendation at all.

The approaches in the recommendations vary. In the case of Bangladesh, the recommendation is to extend the definition of public servant. In the case of Morocco the observation is made that they should "criminalise specifically and distinctly bribery of foreign public officials." It is not clear why the two countries are directed in different ways.

It is surprising that two countries, the United Kingdom and United States, both known to have been active in their enforcement of foreign bribery legislation³³ are not commended on any good practices.

³⁰ Note: the UNODC thematic reports cover 34 countries that concluded their UNCAC reviews by March 2013, this UNCAC progress report covers also additional countries for which executive summaries were published by the time of drafting (September 2013).

³¹ Bangladesh, Bulgaria, Brunei Darussalam, Dominican Republic, Indonesia, Iraq, Jordan, Kuwait, Mongolia, Morocco, Papua New Guinea, Russian Federation, Sao Tome Principe, South Africa, Spain, Switzerland, Uganda, Viet Nam and Zambia.

³² See Transparency International's Exporting Corruption Report, available at: http://issuu.com/transparencyinternational/docs/2012_exportingcorruption_oecdprogress_en?e=2496456/2042485; as well as the annual report and country reports of the OECD Working Group on Bribery, available at: www.oecd.org/investment/anti-bribery/anti-briberyconvention/oecdworkinggrouponbriberyininternationalbusinesstransactions.htm.

³³ See Transparency International's Exporting Corruption report and also country reports on the implementation of the OECD Anti-Bribery Convention, available at: www.oecd.org/daf/anti-bribery/countryreportsonteimplementationoftheoecdanti-briberyconvention.htm.

ARTICLE 30

Prosecution, adjudication and sanctions

Article 30, covering sanctions, immunities and privileges and prosecutorial discretion, among others, was identified by UNODC as most challenging overall for implementation.³⁴ According to UNODC³⁵ some of the most common challenges relate to the levels of monetary and other sanctions particularly against legal persons, and the harmonisation of penalties for corruption related offences (32% of countries). Other common issues include immunities and privileges, limited capacity, discretionary legal powers and the specifics of national legal systems.

In the 45 published executive summaries 26 States parties received recommendations or observations from the reviewers for better implementation.³⁶ Algeria, Australia, Croatia, Kuwait, Lithuania and Timor-Leste were commended on good practices in certain areas. It is surprising that for 16 countries³⁷ no deficiencies in implementing Article 30 were identified.

The short recommendations or observations made to countries range from highly specific to extremely general. Chile received a very specific recommendation about lifting immunities of officials after they have left office. The recommendation to Bulgaria was also very specific and questions the early release or parole of persons convicted of corruption related offences.

On the other hand, Ukraine received a general recommendation on the need to consider in future, ways and means to address the disparity of sanctioning measures for basic forms of crimes such as bribery in the public and private sectors. Jordan received an encouragement to continue efforts to strengthen the accountability of the judiciary through strict measures to sanction corruption.

ARTICLE 31

Freezing, seizure and confiscation

According to UNODC³⁸ the most common challenges in implementing Article 31 relate to the absence or inadequacy of measures to facilitate confiscation. Other common problems mentioned include *inter alia*: weaknesses in measures to enable the confiscation of instrumentalities of crime; the administration of frozen, seized and confiscated property; and the burden of proof for demonstrating the lawful origin of alleged proceeds of crime or other property.

In the 45 published executive summaries 20 States parties received recommendations or observations from the reviewers for better implementation.³⁹ Australia, Brunei Darussalam, Estonia, Georgia, Lithuania, Montenegro, South Africa and Switzerland were commended on some specific successes.

³⁴ See CAC/COSP/IRG/2013/6, p.2.

³⁵ CAC/COSP/IRG/2013/7, Implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the *United Nations Convention against Corruption* (review of articles 30-39) p.5, available at: www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/27-31May2013/V1382050e.pdf.

³⁶ Australia, Azerbaijan, Bangladesh, Bulgaria, Chile, Dominican Republic, Finland, France, Indonesia, Iraq, Jordan, Lao People's Democratic Republic, Mongolia, Montenegro, Morocco, Panama, Papua New Guinea, Russian Federation, Sao Tome Principe, South Africa, Togo, Uganda, Ukraine, United Kingdom, United States and Zambia.

³⁷ Algeria, Brunei Darussalam, Croatia, Estonia, Fiji, Georgia, Kuwait, Lithuania, Malaysia, Peru, Slovakia, Spain, Switzerland, Timor Leste and Viet Nam.

³⁸ CAC/COSP/IRG/2013/7, Implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the *United Nations Convention against Corruption* (review of articles 30-39) p.9, available at: www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/27-31May2013/V1382050e.pdf.

³⁹ Azerbaijan, Bangladesh, Bulgaria, Chile, Dominican Republic, Fiji, Finland, Indonesia, Iraq, Jordan, Lao People's Democratic Republic, Lithuania, Malaysia, Montenegro, Morocco, Sao Tome Principe, Slovakia, Timor Leste, Ukraine and Zambia.

Twenty-one countries⁴⁰ received no recommendations to improve implementation of Article 31, which would imply that these countries are in full compliance with the UNCAC provisions relating to freezing of assets, seizure and confiscation.

The recommendations given vary from very strong, specific advice to Fiji about the role of the [Fijian] Independent Commission against Corruption to a very general recommendation to Timor Leste to consider addressing through the draft anti-corruption law gaps in the current legislation in this and other areas.

ARTICLE 36

Specialized authorities

According to UNODC, almost all States parties had established one or more bodies or specialised departments to combat corruption through law enforcement. However issues remain with overall implementation, primarily due to limited capacity and resources available to these authorities. The most common challenges in the implementation of Article 36 (in almost 60% of cases)⁴¹ relate to the strengthening of law enforcement and prosecution bodies, including their mandate to conduct investigations, and the efficiency, expertise and capabilities of staff, and ensuring the existence of specialised law enforcement capacity for offences under the Convention. The need for inter-agency cooperation is also a recurring theme.

In the 45 published executive summaries 26 States parties received recommendations or observations from the reviewers for better implementation.⁴² Bangladesh, Indonesia, Iraq Lithuania, Malaysia, the Russian Federation, Slovakia and Switzerland were commended on successes in specific areas.

There are no recommendations for 15 States parties on the issue of specialised authorities.⁴³ This suggests that all those countries comply adequately with the UNCAC provisions for specialised authorities, which seems very generous and is not in line with some of Transparency International's own findings.

One of the common themes in the recommendations on Article 36 is resources. For example Finland is encouraged to increase manpower resources for the National Bureau of Investigation. In the case of Viet Nam it was found that limited resources hindered the implementation of Article 31, but no explicit recommendation is made on that subject.

The reviewers also made observations in several reviews regarding the issue of assuring the independence necessary for specialised authorities to be able to carry out [their] functions effectively and without any undue influence.⁴⁴ This is a key element of Article 36 and should be given more attention.

⁴⁰ Algeria, Australia, Brunei Darussalam, Croatia, Estonia, France, Georgia, Kuwait, Mongolia, Panama, Papua New Guinea, Peru, Russian Federation, South Africa, Spain, Switzerland, Togo, Uganda, United Kingdom, Unites States and Viet Nam.

⁴¹ CAC/COSP/IRG/2013/7, p.16.

⁴² Azerbaijan, Bangladesh, Bulgaria, Brunei Darussalam, Chile, Dominican Republic, Fiji, Finland, France, Indonesia, Iraq, Kuwait, Lao People's Democratic Republic, Lithuania, Malaysia, Mongolia, Panama, Papua New Guinea, Russian Federation, South Africa, Timor Leste, Togo, Uganda, United Kingdom, Viet Nam and Zambia.

⁴³ Algeria, Australia, Croatia, Estonia, Georgia, Jordan, Montenegro, Morocco, Peru, Sao Tome Principe, Slovakia, Spain, Switzerland, Ukraine and United States.

⁴⁴ For example in the case of Bangladesh, Panama, Papua New Guinea and Zambia.

ARTICLE 44

Extradition

According to UNODC⁴⁵ most States parties have legislation in place on extradition, but it varies in the level of detail, with one key reason being differences in legal systems. In the majority of countries there is no formal requirement for a treaty basis for receiving or sending extradition requests, but in practice they all rely to some extent on treaties. In most States parties it is possible to use the UNCAC as a legal basis for extradition, but it has hardly been used in practice. Substantial differences have been found with regard to the average duration of extradition proceedings, the evidentiary threshold required under domestic laws to grant extradition, and the lack of common interpretation (and subsequent application) of the requirement to engage in consultations with the requesting State before refusing a request for extradition. Statistics provided by States parties about extradition requests made and received reportedly does not provide a thorough overview.

In the 45 published executive summaries 29 States parties received recommendations or observations from the reviewers for better implementation.⁴⁶ Fourteen countries⁴⁷ were commended on their successes and 12 countries⁴⁸ received no recommendation on the issue of extradition.

In Zambia's country review, three recommendations referenced extradition, including one about allowing extradition in the absence of dual criminality and one about simplifying evidentiary requirements. For Bulgaria there were four recommendations about extradition including recommendations to explore increasing treaty arrangements; to relax the application of dual criminality; and to continue to make best efforts to ensure that extradition proceedings are carried out in the shortest possible period. The Lao People's Democratic Republic received seven recommendations on extradition ranging from the very general to the very specific.

ARTICLE 46

Mutual legal assistance (MLA)

UNODC notes⁴⁹ that even though most States parties have laws in place on MLA their extent and scope varies significantly. Most States have also concluded international treaties, but UNODC finds that despite the frameworks in place States could not easily provide statistics or examples of how MLA provisions were implemented in practice and few actual cases were made available.

⁴⁵ See COC/COSP/IRG/2013/8, "Implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the *United Nations Convention against Corruption* (review of articles 40- 45), available at: www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/27-31May2013/V1382116e.pdf.

⁴⁶ Algeria, Azerbaijan, Bangladesh, Bulgaria, Brunei Darussalam, Chile, Croatia, Dominican Republic, Fiji, Finland, France, Georgia, Indonesia, Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Lithuania, Malaysia, Mongolia, Montenegro, Papua New Guinea, Sao Tome Principe, Slovakia, Timor Leste, Uganda, Ukraine, United States and Zambia.

⁴⁷ Algeria, Australia, Azerbaijan, Bangladesh, Chile, Croatia, Dominican Republic, Estonia, Iraq, Kuwait, Malaysia, Papua New Guinea, South Africa and Switzerland.

⁴⁸ Australia, Estonia, Morocco, Panama, Peru, Russian Federation, South Africa, Spain, Switzerland, Togo, United Kingdom and Viet Nam.

⁴⁹ CAC/COSP/IRG/2013/9, Implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the *United Nations Convention against Corruption* (review of articles 46-50), available at: www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/27-31May2013/V1382127e.pdf.

Article 46 is a lengthy, multi-faceted article that appears to have received special attention in the reviews. In the 45 published executive summaries 33 States parties received recommendations or observations from the reviewers for better implementation.⁵⁰ Only eight States parties⁵¹ received no recommendations on the issue of MLA, indicating that this provision has presented challenges to most States parties. Azerbaijan, Australia, Algeria, Croatia, Estonia, Georgia, Iraq, Kuwait, Malaysia, Panama, South Africa, Switzerland and Ukraine were commended for some successes in conducting their mutual legal assistance processes.

Many countries received multiple, specific recommendations on MLA. The Dominican Republic received four recommendations ranging from issues to do with legal persons to proactive transmission of information. Malaysia received seven, including one on clarifying that English can be used for requests and another saying Malaysia “may wish to monitor as much as possible the application of bank secrecy measures to ensure that also in future cases bank secrecy requirements do not delay the provision of MLA.” Indonesia received 10 recommendations including one on the possibility of overriding bank secrecy and another calling for it to consult with the requesting state if the information provided is insufficient. On the other hand, Panama received only one recommendation suggesting that it should consider the introduction of a domestic legal framework in relation to mutual legal assistance.

While Australia was found to be in compliance with UNCAC Article 46 it still received a recommendation to periodically review policies and legal mechanisms to provide MLA.

⁵⁰ Algeria, Australia, Azerbaijan, Bangladesh, Bulgaria, Brunei Darussalam, Chile, Croatia, Dominican Republic, Fiji, Finland, Georgia, Indonesia, Iraq, Jordan, Kuwait, Lao People’s Democratic Republic, Lithuania, Malaysia, Mongolia, Montenegro, Panama, Papua New Guinea, Sao Tome Principe, Slovakia, South Africa, Switzerland, Timor Leste, Uganda, Ukraine, United States, Viet Nam and Zambia.

⁵¹ Estonia, France, Morocco, Peru, Russian Federation, Spain, Togo and United Kingdom.

APPENDICES

APPENDIX A

The below table provides an overview of self-assessments and country review reports published or made available by 30 September 2013, in one of the six UN languages or in another language.

SELF-ASSESSMENT REPORTS (26)	COUNTRY REVIEW REPORTS (17)
Argentina (government website)	Brunei Darussalam
Armenia (government website)	Bulgaria
Australia (government website)	Chile
Azerbaijan (provided to NGO)	Finland
Bangladesh	France
Benin (provided to NGO)	Georgia
Botswana ⁵²	Kuwait
Brazil	Lao People's Democratic Republic
Cameroon (provided to NGO)	Morocco
Central African Republic (provided to NGO)	Peru (on the government's website)
Colombia	Russian Federation (on government's website)
El Salvador (government website)	Slovakia
Finland	South Africa
Mauritania (provided to NGO)	Spain
Mexico (provided to NGO)	Switzerland
Nigeria ⁵³	Ukraine
Philippines (provided to NGO)	United Kingdom
Portugal	
Romania (provided to NGO)	
Rwanda	
Sweden (provided to NGO)	
Switzerland	
Tanzania	
United Kingdom	
United States	
Uruguay (provided to NGO)	

⁵² Year four

⁵³ Year four

APPENDIX B

The following tables summarise the responses of NGOs to a questionnaire about their experience with the UNCAC review process in terms of participation and transparency. NGO responses in countries under review in the third year (July 2012 – May 2013) are not included because delays in the process mean that the data is incomplete.

It is recognised that in the early years of the review process, country performance in terms of transparency and inclusiveness may be lower than it would have been if government officials and NGOs had more experience with the process.

A summary of civil society participation and transparency in the first year of the UNCAC review process⁵⁴

	PUBLIC ANNOUNCEMENTS ABOUT THE REVIEW	CONTACT DETAILS OF FOCAL POINT AVAILABLE	REVIEW SCHEDULE MADE AVAILABLE	NGO CONSULTED IN PREPARATION OF THE SELF-ASSESSMENT	SELF-ASSESSMENT MADE AVAILABLE	ONSITE VISIT PLANNED OR MADE	NGO INVITED TO INPUT TO REVIEW TEAM	NGO INVOLVED IN DISCUSSIONS ON TECHNICAL ASSISTANCE	PRIVATE SECTOR INVITED TO INPUT TO REVIEW TEAM	NGO ACCESS TO STATISTICS AND CASES	FULL REPORT PUBLISHED BY 30.9.2013	EXECUTIVE SUMMARY PUBLISHED BY 30.9.2013
1. Argentina	No	No	No	No	Yes, on the government website	No	No	No	No	No	No	No
2. Bangladesh	No	Yes	Yes	No	Yes, on UNODC website	Yes	Yes	No	No ⁵⁵	No	No	Yes
3. Brazil	No	No	No	Yes	Yes, on UNODC website	Yes	No ⁵⁶	No	No	No	No	No
4. Bulgaria	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes, upon request	Yes, on UNODC website	Yes
5. Burundi	No	No	No	No	No	Yes	No	No	No	No	No	Yes
6. Chile	No	Yes	No	No	No	Yes	Yes	Unknown	Unknown	Yes, upon request	Yes, on UNODC website	Yes
7. Croatia	No	Yes	No	No	No	No	No	No	No	No	No	Yes
8. Dominican Republic	No	No	No	No	No	No	No	No	Unknown	No	No	Yes
9. Fiji	Yes	No	Unknown	No	No	Yes	Yes	Unknown	Unknown	Yes	No	Yes
10. Finland	Yes	Yes	Yes	Yes	Yes, on UNODC website	Yes	Yes	No	Yes	Yes, upon request	Yes, on UNODC website	Yes

⁵⁴ No information is included on Sao Tome y Principe because no contact could be identified.

⁵⁵ Only informal conversations.

⁵⁶ Only informal meeting.

11. France	Unknown	Yes	Yes, upon request	Yes	Yes, provided to NGO	Yes	Yes	Unknown	Yes	Yes	Yes, on UNODC website	Yes
12. Indonesia	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes
13. Jordan	Yes	No	No	Yes	No	No	No	No	No	Yes, partially	No	Yes
14. Lithuania	No ⁵⁷	Yes	Yes, upon request	No	No	Yes	No	No	No	Yes	Not yet	Yes
15. Mongolia	Yes	Yes	Yes	Yes	Yes, provided to NGO	Yes	Yes	Unknown	No	Yes	No	Yes
16. Morocco	Yes	Yes, upon request	No	Yes	Yes, only in committee	No	No	No	Yes	Yes, upon request	Yes, on UNODC website	Yes
17. Niger	No	Yes	No	Yes	No	Yes	Yes	Yes	Unknown	No	No	No
18. Peru	Yes	Yes	Yes, only in committee	Yes	Yes, only in committee	Yes	Yes	No	Yes	Yes	Yes, on government website	Yes
19. Papua New Guinea	No	Yes, indirectly	No	Yes	No	Yes	Yes	No	Unknown	Yes	No	Yes
20. Rwanda	No	No	No	Yes	Yes, on UNODC website	Yes	Yes	No	Yes	Yes	No	No
21. Spain	No	No	No	Yes	No	Yes	No	No	No	No	Yes, on UNODC and government website	Yes
22. Togo	No	No	No	Yes	No	Yes	Yes	No	Unknown	No	No	Yes
23. Uganda	Unknown	No	Yes	Yes	No	Yes	Yes	Unknown	No	Unknown	No	Yes
24. Ukraine	Yes	Yes	No	Yes	Not yet	No	No	No	No	Yes	Yes, on UNODC website	Yes
25. USA	Yes	Yes	Yes	Yes	Yes, on UNODC website	Yes	Yes	No	Yes	Yes	Not yet	Yes
26. Zambia	No	No	No	Yes	No	Yes	Yes	No	Unknown	Yes, partially	No	Yes
TOTAL YES	10	15	10	23	10	16	7	2	16	8	22	

⁵⁷ Only a brief message on the website of the Ministry of Justice.

A summary of civil society participation and transparency in the second year of the UNCAC review process⁵⁸

	PUBLIC ANNOUNCEMENTS ABOUT THE REVIEW	CONTACT DETAILS OF FOCAL POINT AVAILABLE	REVIEW SCHEDULE MADE AVAILABLE	NGO CONSULTED IN PREPARATION OF THE SELF-ASSESSMENT	SELF-ASSESSMENT MADE AVAILABLE	ONSITE VISIT PLANNED OR MADE	NGO INVITED TO INPUT TO REVIEW TEAM	NGO INVOLVED IN DISCUSSIONS ON TECHNICAL ASSISTANCE	PRIVATE SECTOR INVITED TO INPUT TO REVIEW TEAM	NGO ACCESS TO STATISTICS AND CASES	FULL REPORT PUBLISHED BY 30.9.2013	EXECUTIVE SUMMARY PUBLISHED BY 30.9.2013
1. Australia	Unknown	Unknown	Unknown	Yes	Yes, on the government website	Yes	Yes	Unknown	No	Unknown	No	Yes
2. Azerbaijan	No	Yes	No	Yes	Yes, provided to NGO	Yes	Yes	No	No	Yes	No	Yes
3. Benin	Yes	No	Yes	Yes	Yes, provided to NGO	Yes	Yes	Yes	Yes	No	No	No
4. Cameroon	Yes	Yes	Yes	Yes	Yes, provided to NGO	Yes, due	Yes, due	Yes	Yes	No	Not yet	Not yet
5. Central African Republic	Yes	No	Yes	Yes	Yes, provided to NGO	Yes, due	Yes, due	Yes	Yes	Yes	Not yet	Not yet
6. Colombia	No	No	No	Yes	Yes, on UNODC website	Yes	Yes	No	Yes	Yes, partially ⁵⁹	No	No
7. Congo	Unknown	Yes	Unknown	No	No	Yes, due	Unknown	Unknown	Unknown	Unknown	Not yet	Not yet
8. El Salvador	No	Yes, partially	No	Yes	Yes, provided to NGO	Yes	Yes	No	Yes	No	No	No
9. Estonia	Unknown	No	Yes	Yes	No	Yes	Yes	Unknown	Yes	Unknown	Unknown	Yes
10. Georgia	No	Yes	No	No	No	Yes	Yes	No	Unknown	Yes	Yes, on UNODC website	Yes
11. Iraq	No	Yes	Yes	Yes	No	No ⁶⁰	No	Unknown	No	Yes	Not yet	Yes
12. Jamaica	Unknown	Yes	No	No	No	Yes	Yes	Unknown	Unknown	Unknown	Unknown	No
13. Kuwait	Yes	No	No	No	No	Yes	No	No	No	No	Yes, on UNODC website	Yes
14. Kazakhstan	Yes	Yes	No	Yes	No	Yes, due	Not yet	Not yet	Not yet	Yes	Not yet	Not yet
15. Mauritius	No	Yes	No	No	No	Unknown	No	Unknown	Unknown	No	Not yet	No ⁶¹

⁵⁸ No information is included on 7 countries: Brunei, Cape Verde, Cuba, Dominica, Iran, Lao People's Democratic Republic and United Arab Emirates because no information currently available to NGOs contacted or contact could be identified.

⁵⁹ The access to information is very limited. Some legislative changes are in process.

⁶⁰ The meeting took place in Amman, Jordan; presumably due to safety reasons.

⁶¹ Published in late October 2013.

16. Montenegro	Yes	Yes	No	No	Yes	Yes	No	No	Yes	No	Yes	No	Yes
17. Mozambique	No	No	No	No	Unknown	Unknown	Unknown	No	Unknown	Unknown	No	Unknown	No
18. Nicaragua	No	No	No	No	Yes ⁶²	No	No	No	Unknown	Unknown	Yes	Unknown	No
19. Norway	Unknown	No	No	No	Yes, due	Yes, expected	Unknown	Unknown	Yes, expected	Unknown	Yes	Not yet	No
20. Panama	Yes	Yes	No	No	Yes	Yes	No	No	Unknown	Unknown	Yes	No	Yes
21. Philippines	Yes	Yes	Yes	Yes	Yes	Yes	Yes, provided to NGO	No	Unknown	Unknown	No	No	No
22. Portugal	Yes	Yes	No	No	Yes	Yes	Yes, on UNODC website	No	Yes	No	Yes	No	Yes
23. Russia	No	Yes	No	No	Yes	No	No	No	No	No	No	Yes, on the government website	Yes
24. Serbia	Unknown	No	Unknown	No	Yes, due	Yes	No	No	Yes	No	Yes	Not yet	No
25. Seychelles	No	No	No	Yes	Yes	No	No	No	No	Unknown	No	Unknown	No
26. Sierra Leone	Yes	Yes	Yes	Yes	Yes, due	Unknown	Yes, provided to NGO	Unknown	Unknown	Unknown	Yes	Not yet	No
27. Slovakia	No	No	No	No	Yes	Yes	No	No	Yes	No	Yes	Yes, on UNODC website	Yes
28. South Africa	Yes ⁶³	Yes	No	No	Yes	Yes	Unknown	No	Yes	No	Yes	Yes, on UNODC website	Yes
29. Switzerland	Yes	Yes	No	No	Yes	Yes	Yes, on UNODC website	No	Yes	No	Yes, partially	Yes, on UNODC website	Yes
30. Timor Leste	No	No	No	No	Unknown	No	Unknown	No	Unknown	Unknown	Yes	No	Yes
31. United Kingdom	No	Yes	Yes	Yes	Yes	Yes	Yes, on UNODC website	No	Yes	No	Yes, partially	Yes, on UNODC website	Yes
32. Uruguay	Yes	Yes	No	No	Yes	Yes, due	Yes, provided to NGO	No	Yes, due	No	No	Not yet	No
33. Viet Nam	Yes	Yes	Yes	Yes	Yes	Yes	Yes, provided to NGO	Yes	Yes	Yes	Yes	Yes, provided to NGO	Yes
34. Zimbabwe	No	Yes, on request	No	No	Yes	Yes	No	No	Yes	No	Unknown	Unknown	Yes
TOTAL YES	14	21	13	15	14	30	24	4	12	19	8	17	

⁶² No official announcements were made by the government. The visit was known through “non-official” sources.

⁶³ NGO informed in writing by government.

⁶⁴ NGO provided with a copy of the schedule during a meeting with the government.

APPENDIX C

Review process questionnaire questions⁶⁵ ©

TRANSPARENCY OF THE GOVERNMENT'S UNDERTAKING OF THE REVIEW PROCESS		
Did the government make any public announcements about the review?	Yes/ No	Comments
Did the government disclose information about the country focal point?	Yes/ No	Comments
Did the government publish or otherwise make available the review schedule?	Yes/ No	Comments Please indicate whether the review is on time
Was civil society consulted in the preparation of the self-assessment?	Yes/ No If yes, who? (please tick) <input type="checkbox"/> Women's groups <input type="checkbox"/> Access to information groups <input type="checkbox"/> Trade unions <input type="checkbox"/> Academic networks <input type="checkbox"/> Anti-corruption groups <input type="checkbox"/> Other (please list)	Comments Please list the organisations consulted Please indicate date of consultation
Was the self-assessment published online or provided to civil society?	Yes/ No	Comments Please enter link if applicable and date of publication or information about when/ how the self-assessment was provided
Did the government agree to a country visit by the review team?	Yes/ No	Comments Please indicate date of the visit
Was a country visit undertaken?	Yes/ No	Comments
Was civil society invited to provide input to the official reviewers?	Yes/ No	Comments Please list the organisations invited Please enter the form of input invited
Was civil society involved in technical assistance discussions?	Yes/ No	Comments
Was the private sector invited to provide input to the official reviewers?	Yes/ No	Comments Please list the firms/ organisations invited Please enter the form of input invited
Are Civil Society Organisations able to access enforcement statistics and information on cases?	Yes/ No	Comments Please indicate if the information is published or if the government makes it available upon request.
Has the government published the full country report	Yes/ No	Comments Please indicate if published by UNODC and/ or country and enter a link if applicable.
Did the government publicly announce the results of the review and plans to follow up on the recommendations?	Yes/ No	Comments

⁶⁵ Respondents were also asked by whom and when the review was completed: name of individual, organisation, country, review year and the date.

