The United Nations Convention against Corruption and its Implementation Review Mechanism
Summary of UNCAC Requirements

- Mandatory requirements
- "Shall Consider" requirements
- Optional measures
Chapter III: Criminalization and Law Enforcement

Mandatory Offences

- Bribery of National Public Officials (Art. 15)
- Active Bribery of Foreign Public Officials (Art. 16, para. 1)
- Embezzlement, Misappropriation or Other Diversion of Property (Art. 17)
- Laundering of proceeds of crime (Art. 23)
- Obstruction of Justice (Art. 25)
- Participation in such offences (Art. 27, para. 1)

Optional Offences

- Passive Bribery of Foreign Public Officials (Art. 16)
- Trading in Influence (Art. 18)
- Abuse of Functions (Art. 19)
- Illicit Enrichment (Art. 20)
- Bribery in Private Sector (Art. 21)
- Embezzlement of Property in Private Sector (Art. 22)
- Concealment (Art. 24)
- Attempt / preparation of UNCAC offences (Art. 27, paras. 2-3)
Chapter IV: International Cooperation

- International cooperation in investigations and proceedings; dual criminality (Article 43)
- Extradition (Article 44)
- Mutual legal assistance (Article 46)
UNCAC Implementation Review Mechanism

Self-assessment checklist

UNCAC
- Start Self-Assessment

UNTDOC
- Start Self-Assessment
- Start Self-Assessment Trafficking Protocol
- Start Self-Assessment Smuggling Protocol
- Start Self-Assessment Firearms Protocol
Terms of Reference – Main Elements

• Peer review process
• Drawing of lots
• Two cycles of five years
  • **First cycle**: Chapter III (Criminalization and law enforcement)
    Chapter IV (International cooperation)
  • **Second cycle**: Chapter II (Preventive measures)
    Chapter V (Asset recovery)
• Desk review of self-assessment reports
• Country visits
• Outcome – Executive Summary and Report
• Role of the Secretariat
Model schedule for country reviews

Three Weeks: Nomination of Focal Point

Soon After: Secretariat organizes initial teleconference to decide –
- Date of submission of Checklist
- Language(s) of the review
- Division of Labour

Within Two Months: Checklist submitted and translated

Four to Six Weeks: Reviewing experts conduct review (also translated)

Two Weeks: Analysis sent to State and country visit discussed

Six to Eight Weeks: Country Visit and conclusion of report

FINISH BEFORE JUNE
Challenges

• Delays in appointing focal points and experts
• Self-assessment checklist and software
• Language and translation
• Different legal systems
• Report drafting process and executive summaries
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