



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

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### Technical assistance

## Analysis of technical assistance needs emerging from the country reviews

### Note by the Secretariat

#### *Summary*

The present note contains information on technical assistance needs identified by States parties in the context of country reviews relating to the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the United Nations Convention against Corruption during the first cycle of the Mechanism for the Review of Implementation of the Convention (2010-2015).<sup>1</sup>

\* [CAC/COSP/2017/1](#).

<sup>1</sup> The information contained in the present note provides a general overview and analysis of the country reviews for which the executive summaries had been completed by 1 September 2017 and, to that end, may at times repeat information that was submitted as part of the oral updates during the eighth session of the Implementation Review Group. Reference is also made to document [CAC/COSP/2017/3](#) on technical assistance in support of the implementation of the United Nations Convention against Corruption.



## I. Introduction

1. In its resolution 3/1, the Conference of the States Parties to the United Nations Convention against Corruption adopted the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. The Conference decided that the Implementation Review Group would be in charge of following up and continuing the work of the Open-ended Intergovernmental Working Group on Technical Assistance. In accordance with paragraph 11 of the terms of reference, one of the goals of the Implementation Review Mechanism is to help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance. In accordance with paragraph 44 of the terms of reference, the Implementation Review Group is tasked with considering technical assistance requirements in order to ensure effective implementation of the Convention.

2. In its resolution 4/1, the Conference recommended that all States parties, where applicable, in their responses to the comprehensive self-assessment checklists and in the country reports, should identify technical assistance requirements, preferably prioritized and related to the implementation of the provisions of the Convention examined during a given review cycle, and decided that the Review Group should consider, on the basis of the outcome of the review process and consistent with the terms of reference of the Implementation Review Mechanism, priority areas for the provision of technical assistance, as well as consolidated information on trends in the requirements for and the provision of technical assistance.

3. The provision of technical assistance is an integral part of the Convention, as its chapter VI is devoted to technical assistance and information exchange. Both of these themes are reflected in the predetermined categories of technical assistance needs outlined in the comprehensive self-assessment checklist for the first review cycle as adopted by the Conference in its resolution 3/1. The predetermined categories are: legislative drafting and legal advice; model legislation; development of an implementation action plan; summary of good practices or lessons learned; model treaties or agreements; capacity-building programmes; assistance by an on-site expert; technological assistance; and a catch-all category for other assistance.

4. The present note contains updated information on technical assistance needs identified in the country reviews for the implementation of chapters III and IV of the Convention by States parties under review in the first cycle of the Implementation Review Mechanism. It is based on information included in the country review reports and executive summaries of the 161 States parties that had been completed at the time of drafting. Technical assistance needs were identified in 108 of those. The present note also illustrates how technical assistance needs identified at the early stages of the Mechanism have evolved and differ from those identified later. Earlier needs seemed to focus on establishing a legal framework, while needs identified in later reviews focused more on technical assistance with building technical and operational capacity. However, throughout the first cycle of the Mechanism, the need for peer learning has consistently featured high.

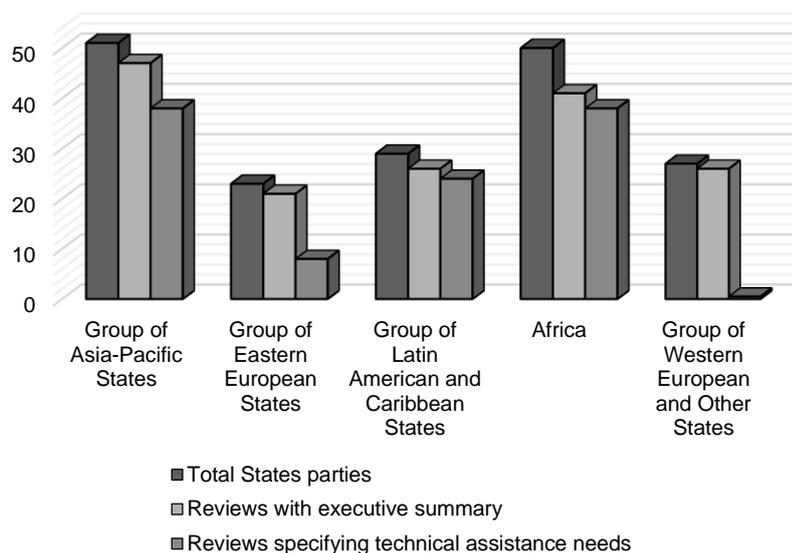
5. The types of technical assistance needs identified during the country review processes that form the basis of the present note are those that were outlined in the States parties' executive summaries. Most of the technical assistance needs identified in the country reviews and executive summaries considered for this note fall within the predetermined categories, although other needs were identified as well. Some States parties did not identify specific technical assistance needs and instead indicated a general wish for technical assistance, for example support for the implementation of a certain chapter or capacity-building for their prosecutorial and investigative services. Some simply stated a generic request for a needs assessment.

## II. Overall assessment

6. By September 2017, the vast majority of States parties to the Convention had completed their country review processes or were in the final stages of doing so. For that reason, the present note takes stock of the developments over the past five years and provides a more comprehensive analysis of the overall technical assistance needs identified during the first cycle.

Figure 1

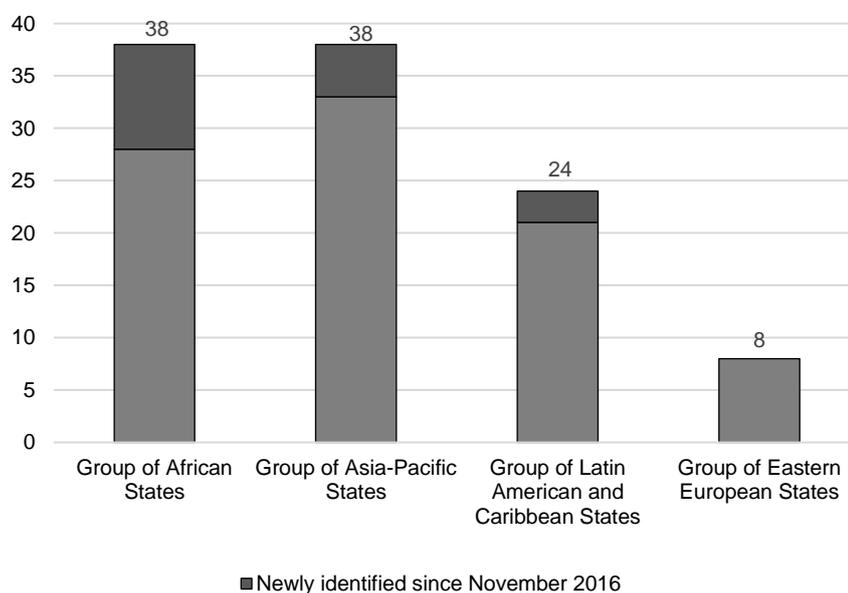
### Overall number of States with executive summaries identifying technical assistance needs, by group



7. Figure 1 shows how many States parties had finalized their executive summaries by September 2017 and how many had identified technical assistance needs. The overall number of instances in which technical assistance needs were identified throughout the first cycle increased by 481 to 3,583.

Figure 2

### States parties with technical assistance needs



### Overall analytical trends

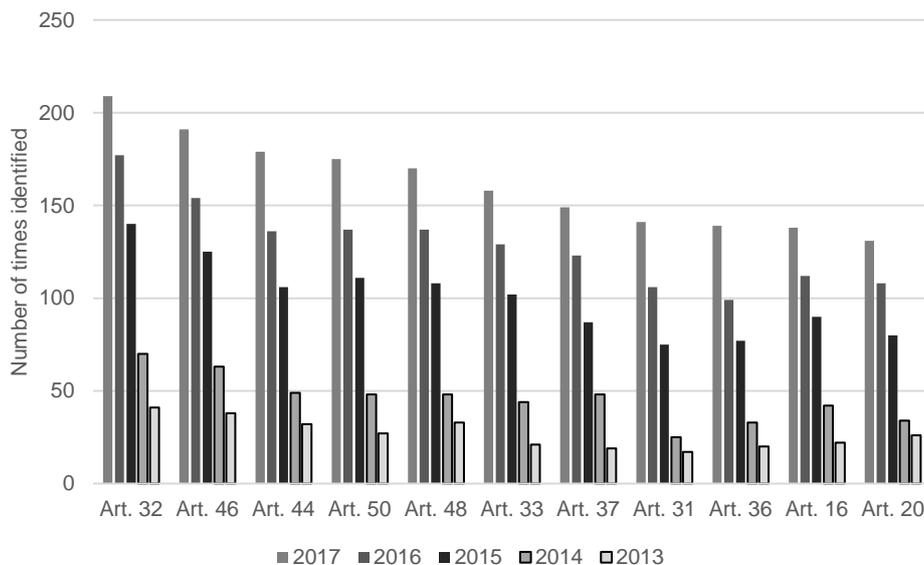
8. Of the 160 States parties included in the present note, 108 identified technical assistance needs. Those numbers include an additional 23 States that completed their executive summaries after the previous analysis of technical assistance needs, presented to the Group in November 2016 ([CAC/COSP/IRG/2016/13](#)). Of those 23 States, 18 identified technical assistance needs (see figure 2).

9. While, overall, the articles for which technical assistance needs were identified most frequently were the same as before, it is interesting to note that the additional 18 States shifted the order among those articles. The 11 articles for which needs were identified most frequently were: article 32 (Protection of witnesses, experts and victims), article 46 (Mutual legal assistance), article 44 (Extradition), article 50 (Special investigative techniques), article 48 (Law enforcement cooperation), article 33 (Protection of reporting persons), article 37 (Cooperation with law enforcement authorities), article 31 (Freezing, seizure and confiscation), article 36 (Specialized authorities), article 16 (Bribery of foreign public officials and officials of public international organizations) and article 20 (Illicit enrichment). The number of times needs were identified for article 36 increased by 40 per cent, followed by article 31, which saw an increase of 33 per cent. The remaining articles featured in the chart saw an increase of between 18 and 31 per cent.

10. For the sake of comparison, the previous four needs assessments regarding those articles have been included in figure 3.<sup>2</sup> On the whole, trends have remained similar throughout the first cycle and, over the years, technical assistance needs were identified at an evenly increasing rate. However, it is worth noting that articles 31 and 36, which had never before appeared in this top 10, have, in this sample, overtaken both articles 16 and 20. A more in-depth analysis of this development can be found under section III entitled “Technical assistance needs identified for the implementation of chapter III”.

Figure 3

#### Articles of the Convention for which technical assistance needs were identified most often (2013-2017)



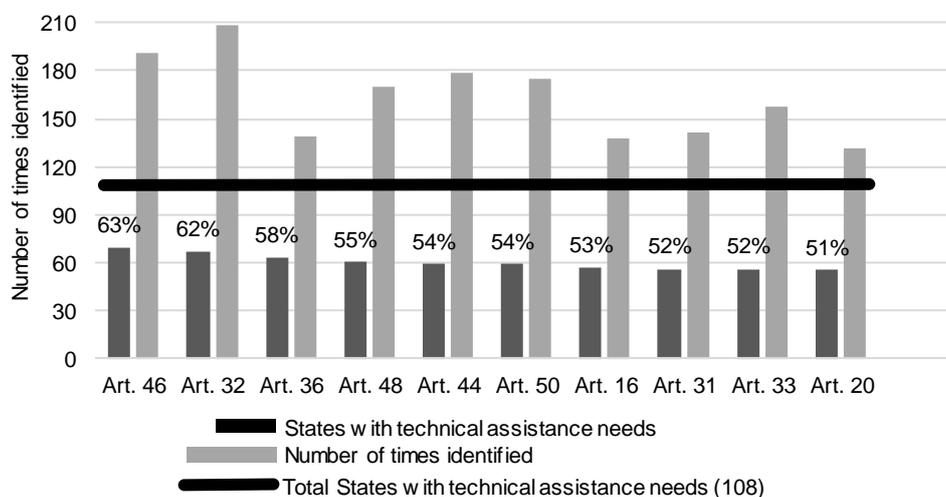
11. Figure 4 sets out the number of instances of technical assistance needs identified and the binary count of States having identified such needs (a State is counted once regardless of how many needs it has identified for that article). Of both chapter III (arts. 15-42) and chapter IV (arts. 43-50), article 46 is the article for which the most

<sup>2</sup> [CAC/COSP/IRG/2013/3](#), [CAC/COSP/2015/4](#), [CAC/COSP/IRG/2014/3](#) and [CAC/COSP/IRG/2016/13](#).

States have identified technical assistance needs overall (a total of 69). While in the previous analysis, presented in November 2016 (CAC/COSP/IRG/2016/13), the following six articles were all from chapter IV, in the present analysis that is no longer the case. In the overall sample of States, the binary count reveals that, while article 46 remains the article for which the largest number of States had identified technical assistance needs, the articles that follow now come under both chapters that were under review.

Figure 4

**Number of times technical assistance needs are identified per article compared to the percentage of States identifying those needs (August 2017)**



12. Figure 5 provides an overview of the types of needs identified by States parties, irrespective of the articles of the chapters under review, for the period 2013-2017. The analyses made in previous years<sup>3</sup> provided general overviews of the needs identified, followed by a closer look at selected articles for which needs had been identified most frequently. The present note offers a broader analysis by grouping the articles in line with the executive summary template agreed upon by the States parties at the third session of the Implementation Review Group, held in June 2012.<sup>4</sup> Hence, the information will be presented using the same headings as in the executive summaries.

13. Figure 6 provides an overview of the number of the different types of needs identified by States parties for all articles of the chapters under review.

<sup>3</sup> CAC/COSP/IRG/2016/13, CAC/COSP/2015/4 and CAC/COSP/IRG/2014/3.

<sup>4</sup> CAC/COSP/IRG/2012/2.

**Figure 5**  
**Number of times technical assistance needs were identified, by type of need and number of States identifying them (2013-2017)**

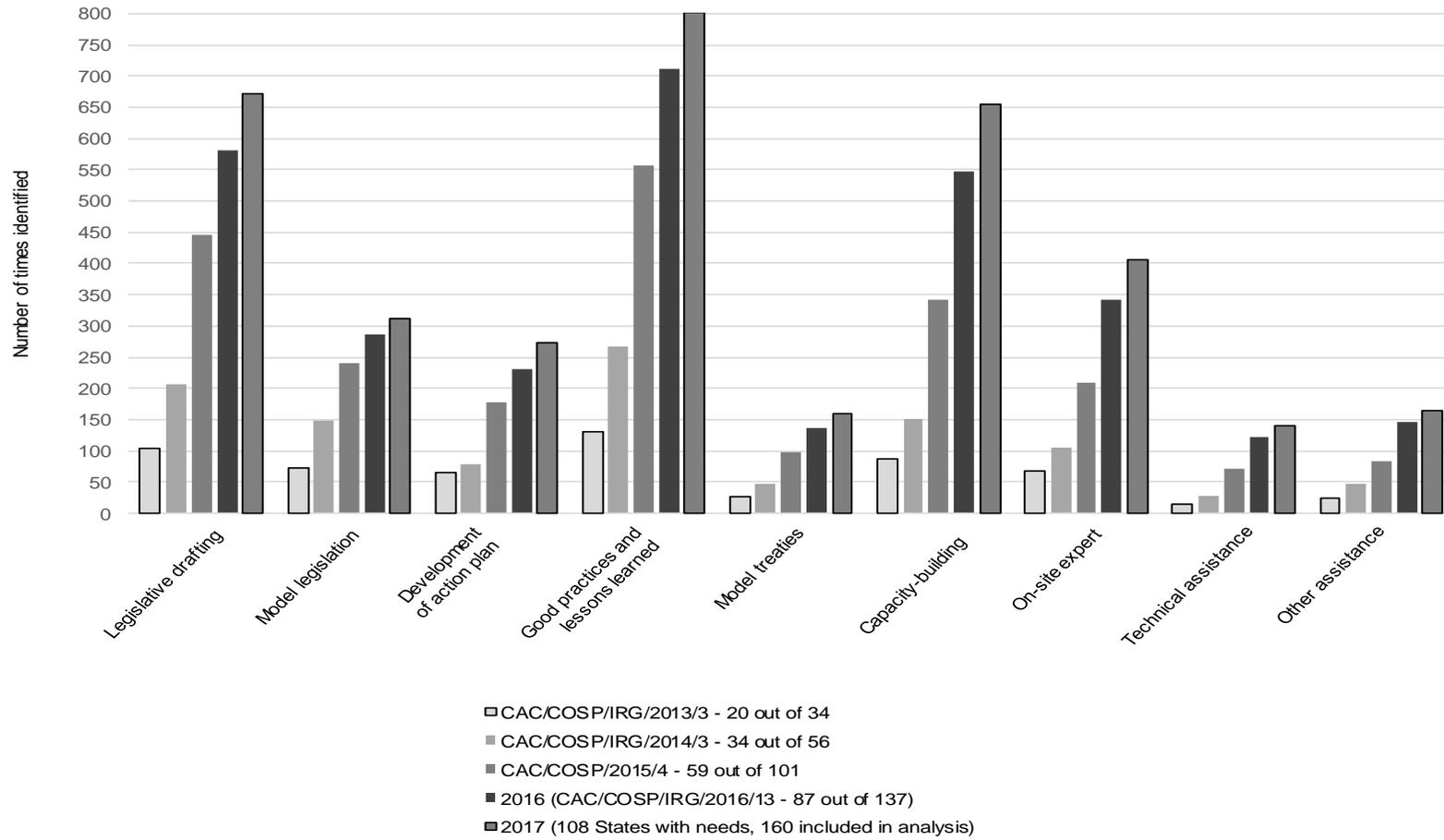
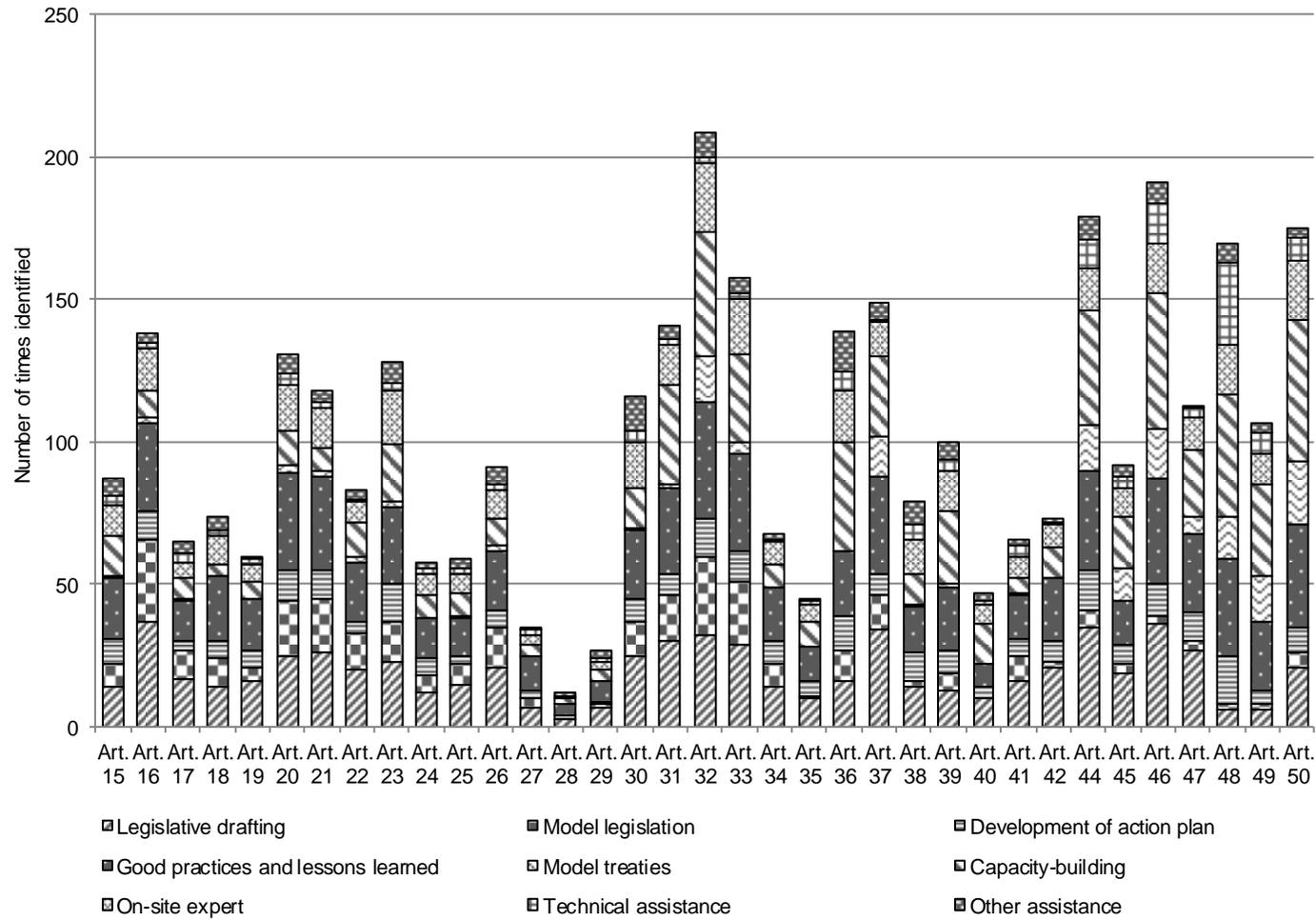


Figure 6  
**Technical assistance needs identified by States parties, by article number**



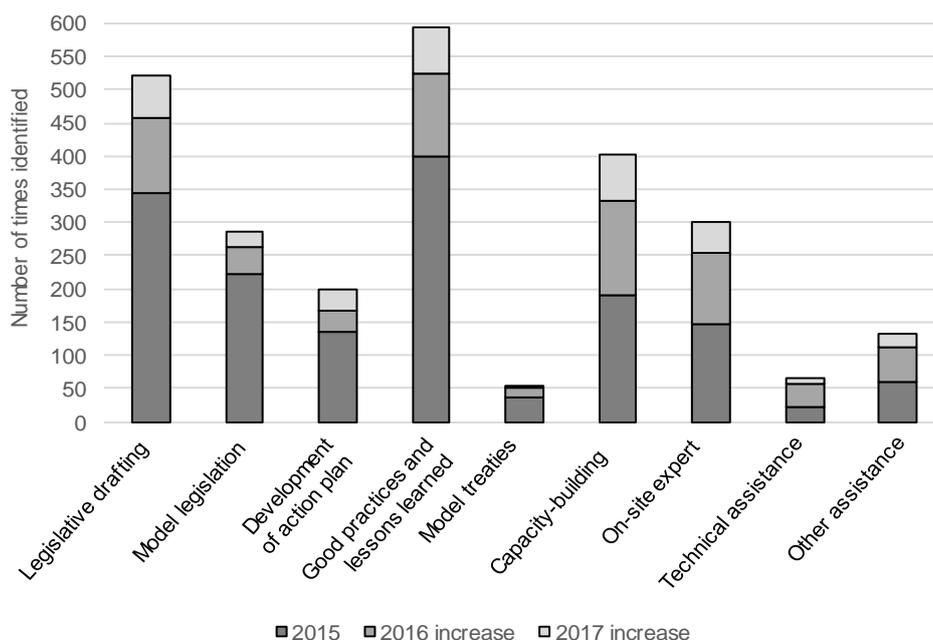
### III. Technical assistance needs identified for the implementation of chapter III

14. Of the 108 States that identified technical assistance needs, 106 States, or 98 per cent of that number, identified needs for the implementation of chapter III in 2,556 instances.

15. The previous analysis ([CAC/COSP/IRG/2016/13](#)) highlighted that the most frequently identified need for technical assistance had shifted from legislative assistance to summaries of good practices and lessons learned. As seen in figure 7, the present analysis indicates that this trend has continued and capacity-building has shown the largest increase (61 per cent), as can be seen in figure 7 below.

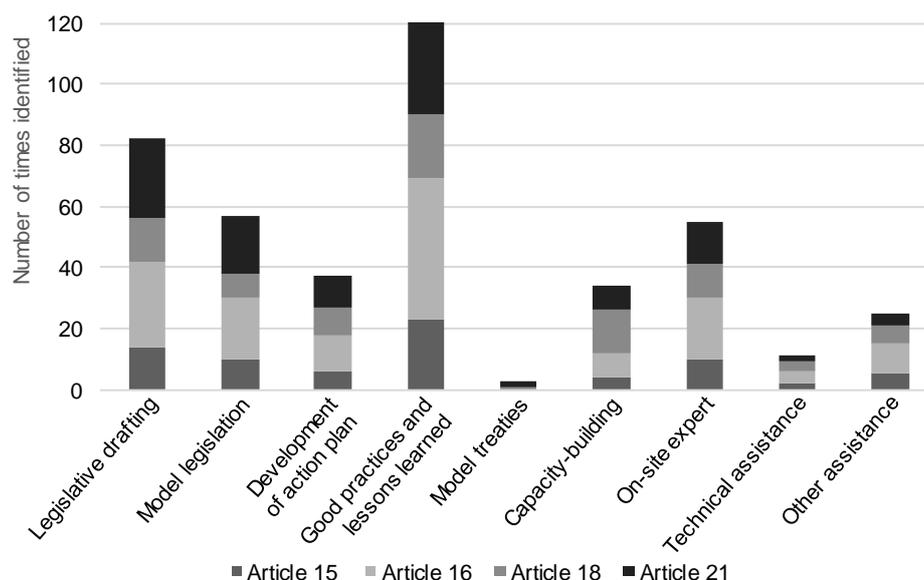
Figure 7

**Comparison of needs identified for the implantation of chapter III, by type (2015-2017)**



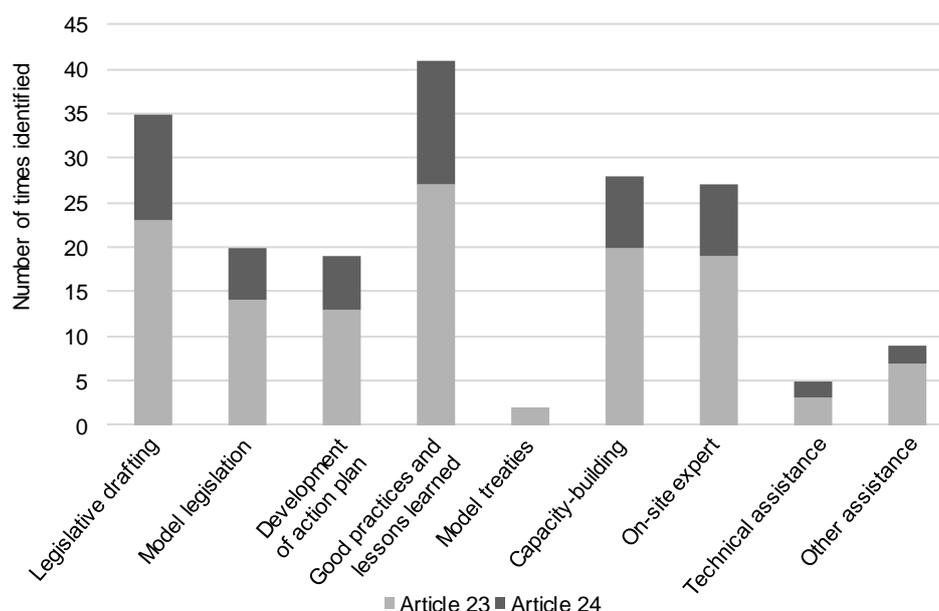
16. It had been noted previously that a link existed between the type of need identified and the nature of the article to which it relates. Articles whose full implementation required the establishment of a system or official body are deemed operational in nature, hence any technical assistance needs identified for such an article related to capacity-building or the visit of an on-site expert. Articles for whose full implementation legislative amendments were required gave rise to the need for legislative assistance. In addition to regrouping the articles in line with the executive summary template, the present analysis subdivides them into four different groups, namely technical, technical/operational, operational and institutional. The purpose of these labels is to highlight the close link between the nature of each article and the type of technical assistance needed for its implementation.

Figure 8  
Bribery and trading in influence (arts. 15, 16, 18 and 21)



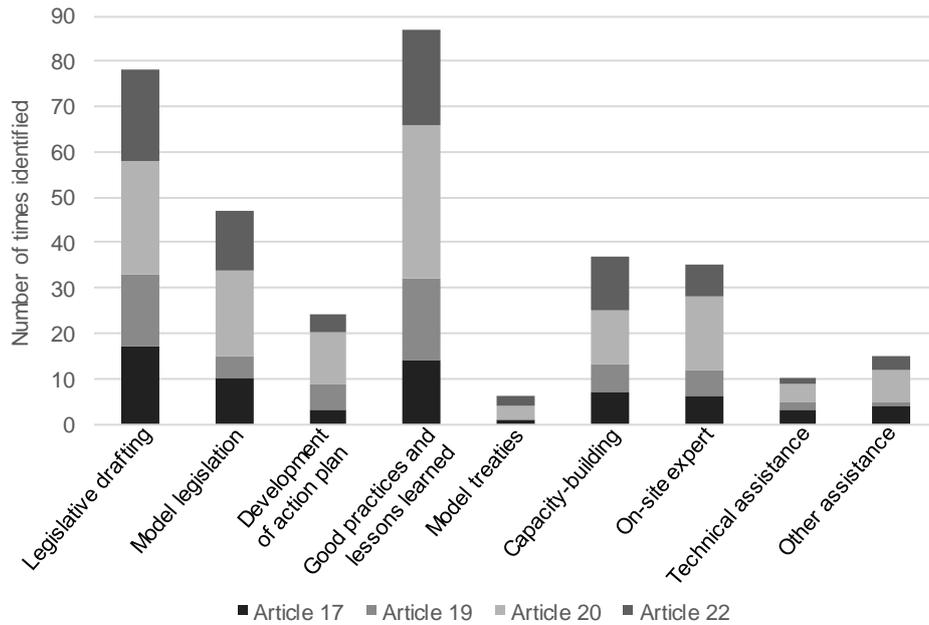
17. The articles grouped under bribery and trading in influence are primarily technical in nature. Accordingly, the legislative drafting and model legislation needs for those articles represent 17.5 per cent of all such needs for the implementation of chapter III. Nevertheless, the need for sharing good practices and lessons learned, i.e. the peer learning element, remained the top category at nearly 21 per cent of all needs identified for the implementation of chapter III.

Figure 9  
Money-laundering, concealment (arts. 23 and 24)



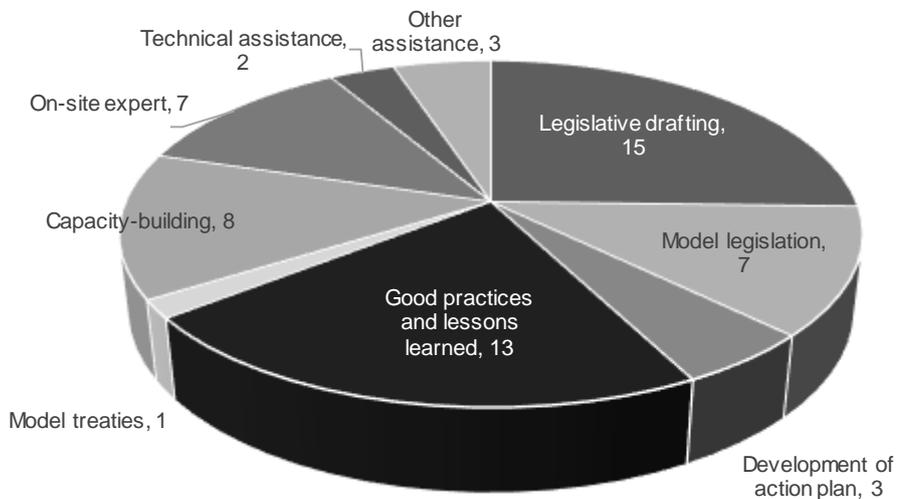
18. The need for technical assistance with legislative drafting to implement the articles on the laundering of proceeds of crime and concealment is also technical in nature. This has been evident from the fact that a frequently and extensively discussed question, both during and after the first-cycle review, has been how to ensure the inclusion of the widest possible range of predicate offences (para. 2 of art. 23 of the Convention). Yet the need for the sharing of good practices and lessons learned showed that States are seeking to draw inspiration from solutions found in other States.

Figure 10  
**Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)**



19. The technical assistance needs associated with the articles on the abuse of functions, illicit enrichment and the embezzlement of property in the public and private sectors were primarily technical and legislative in nature. Article 20 had been identified by far the most frequently as requiring technical assistance for its implementation (131 times), followed by article 22 with 83 times. During the country reviews there were discussions on the application of article 20 and the possible establishment of asset declaration systems as a way to identify unexplained increases in assets. Those often led to requests to share good practices and lessons learned with respect to such systems. Out of the 55 States that had identified needs relating to the implementation of article 20, 34 sought the sharing of good practices and lessons learned.

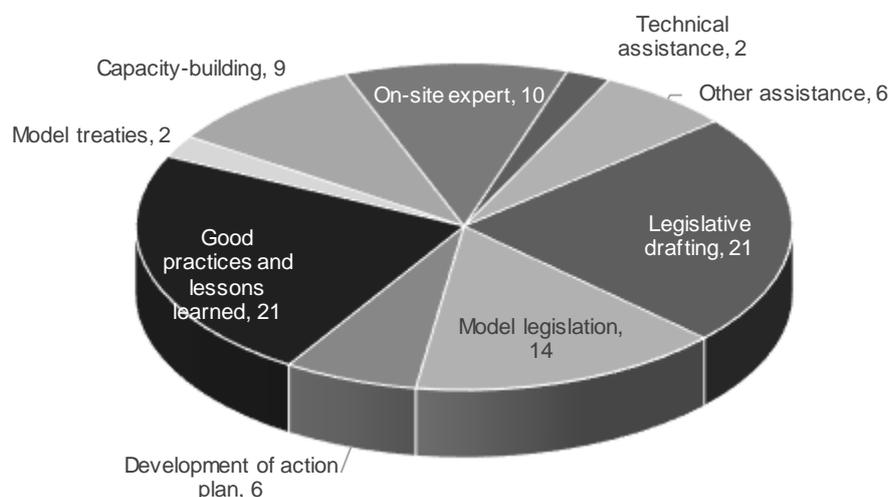
Figure 11  
**Obstruction of justice (art. 25)**



20. While article 25 remained critical to the protection of officials responsible for the fight against corruption, it was perhaps less surprising to note that only 29 States

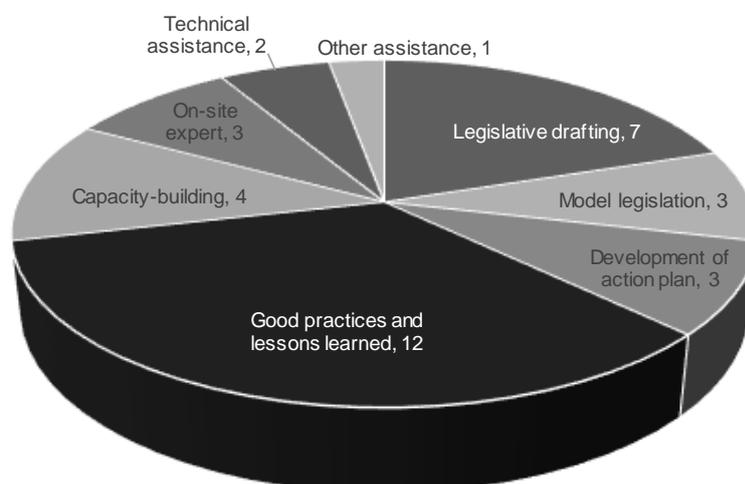
have, in 59 instances, identified needs for technical assistance in enhancing its implementation. In many countries, obstruction of justice, which is technical in nature, comes under general criminal justice provisions. While some legislative amendments may be required to address some aspects of the offence, in broader terms article 25 was mostly already present in domestic legislation. Only 15 States had identified the need for legislative assistance and 5 of the 7 States that had identified a need for model legislation had also identified the need for assistance with legislative drafting.

Figure 12  
**Liability of legal persons (art. 26)**



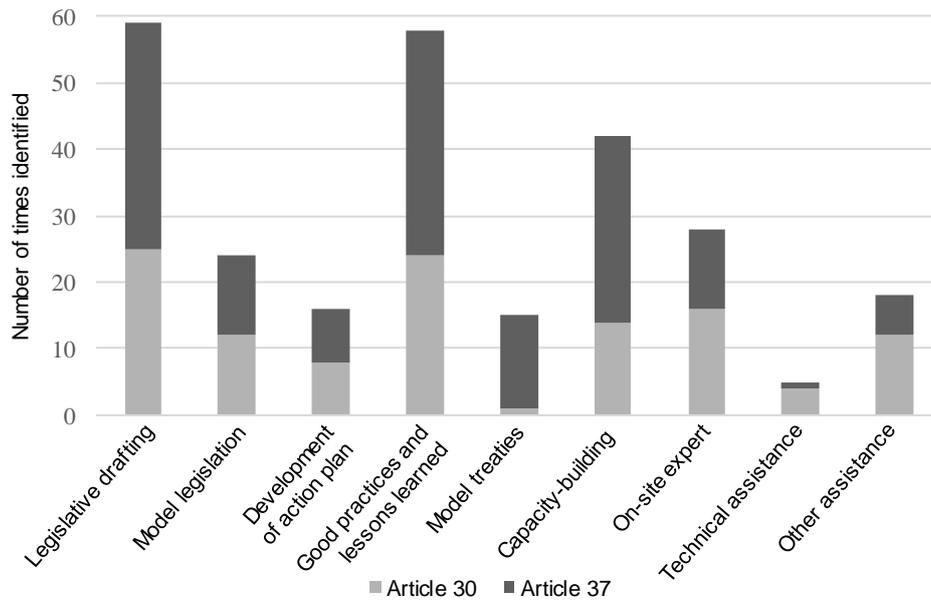
21. With 39 States parties identifying needs 91 times in total, article 26 poses particular challenges for States that apply the legal principle of *societas delinquere non potest*, i.e. a legal person cannot be attributed criminal liability. Of the States that identified the need for technical assistance for the implementation of article 26, 5 were in Latin America and the Caribbean, 2 in Eastern Europe, 11 in Africa and 19 in Asia and the Pacific.

Figure 13  
**Participation and attempt (art. 27)**



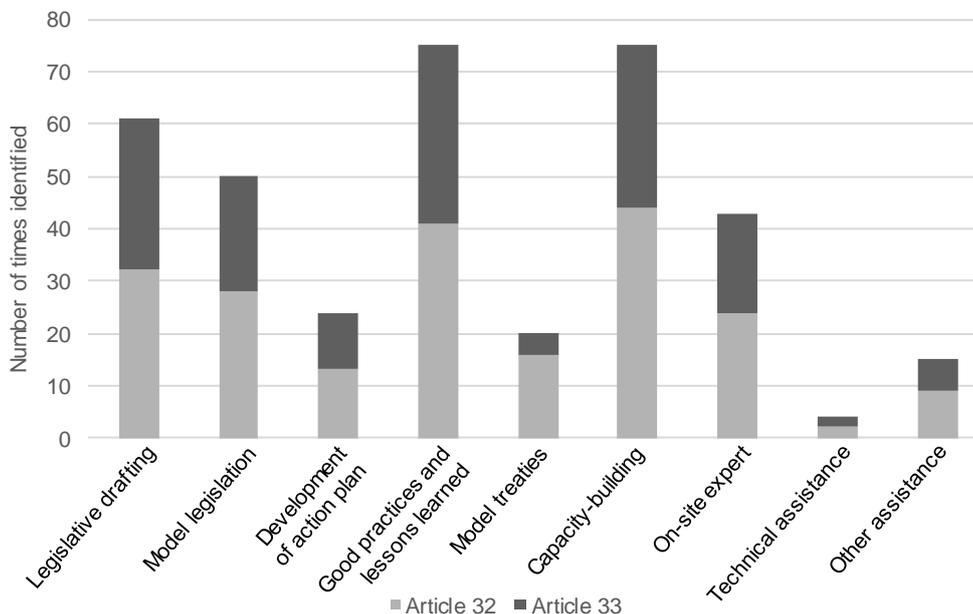
22. As with article 25 of the Convention, States predominantly found their laws in compliance with article 27 owing to their existing general criminal law provisions on participation and attempt. Only 19 States identified some 39 instances in which they needed technical assistance.

Figure 14  
**Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)**



23. Fifty-three States identified 116 instances in which they needed technical assistance for the implementation of article 30, whereas the same number of States identified 149 instances in which they needed technical assistance for the implementation of article 37. Two thirds of those 53 States identified technical assistance needs relating to both articles. Articles 30 and 37 are part of a select group of articles that are both operational (primarily article 37, on cooperating offenders) and technical in nature. To be implemented effectively and achieve the desired effect and outcome, both articles require a legal framework as well as operational systems. The number of times technical assistance needs were identified for the implementation of article 37 increased nearly eightfold between 2013 and 2017 (from 19 to 149).

Figure 15  
**Protection of witnesses and reporting persons (arts. 32 and 33)**

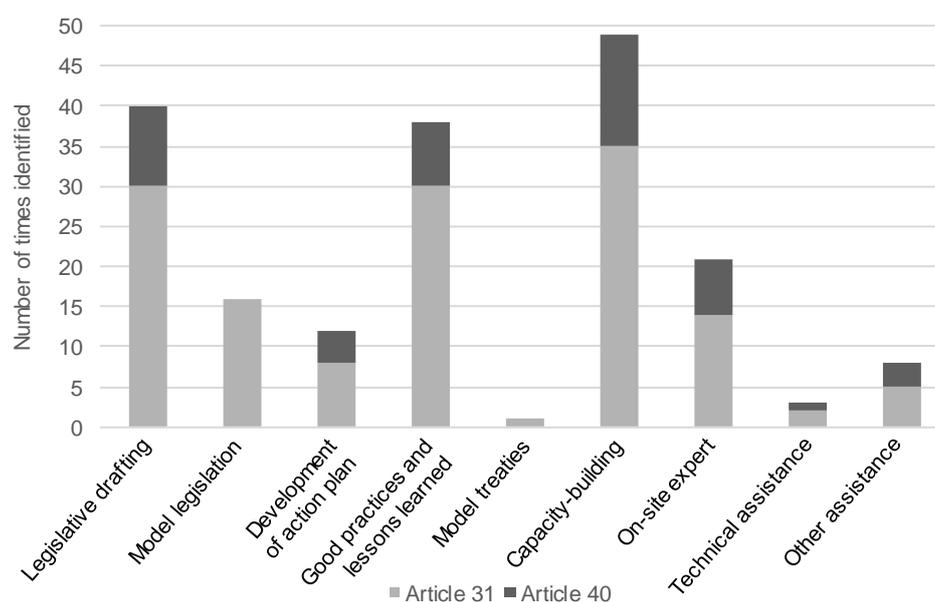


24. Article 32 remained the article for which technical assistance needs were identified most often: 209 instances identified by 67 States parties. That made it the top article for the whole first cycle. The articles are operational in nature. The protection afforded varied from allowing testimony given behind a screen to full-fledged identity changes and resettlement also outside the State's jurisdiction.

25. For article 33, a total of 56 States parties in 158 instances identified needs for technical assistance to enhance its implementation. For article 33 such needs were identified seven and a half times more often than in 2013 (21 times in 2013, compared to 158 times in 2017), one of the three largest percentage-wise increases over that period.

Figure 16

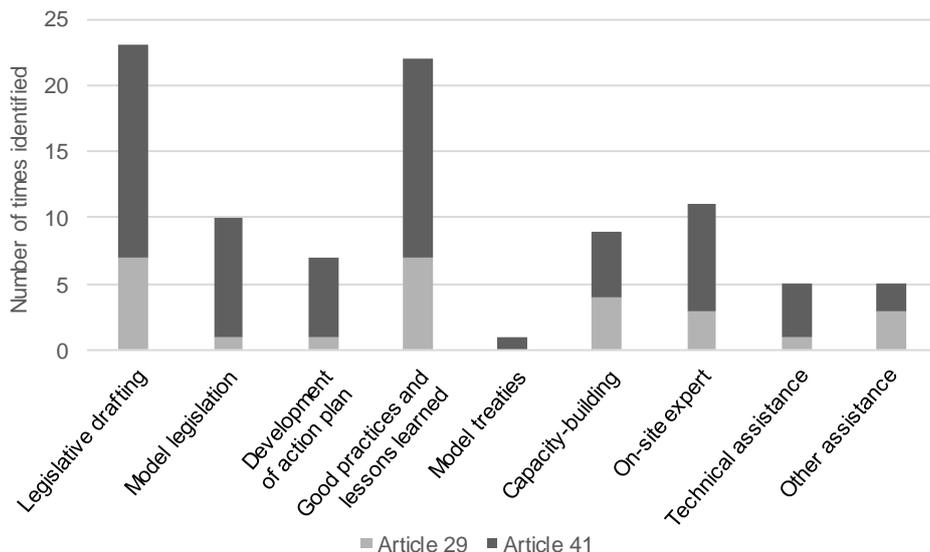
**Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)**



26. For article 31, the number of instances in which needs were identified rose sharply in the period reviewed in the current update, 141 times by 56 States parties, an increase of 40 per cent. Both article 31 and article 40 are operational in nature and are linked to securing the proceeds of crime generated by or derived from corruption offences. Article 31 saw the largest percentage-wise increase compared to 2013, more than eightfold (from 17 instances in 2013 to 141 instances in 2017). Of the 56 States identifying needs relating to articles 31 and 40, 22 States were from the Group of Asia-Pacific States, 20 from the Group of African States, 12 from the Group of Latin American and Caribbean States and 2 from the Group of Eastern European States.

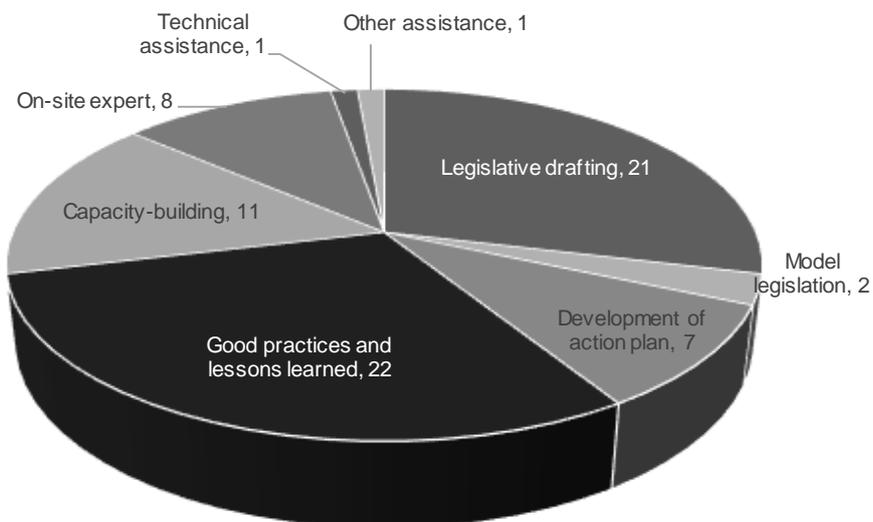
27. Article 40 stipulates that bank secrecy should not be an impediment to domestic criminal investigations. As this is a common requirement set out in countries' anti-money-laundering laws, and as those laws frequently predate the legislative and operational requirements relating to corruption, only 19 States parties identified needs regarding the implementation of article 40 in 47 instances.

Figure 17  
**Statute of limitations; criminal record (arts. 29 and 41)**



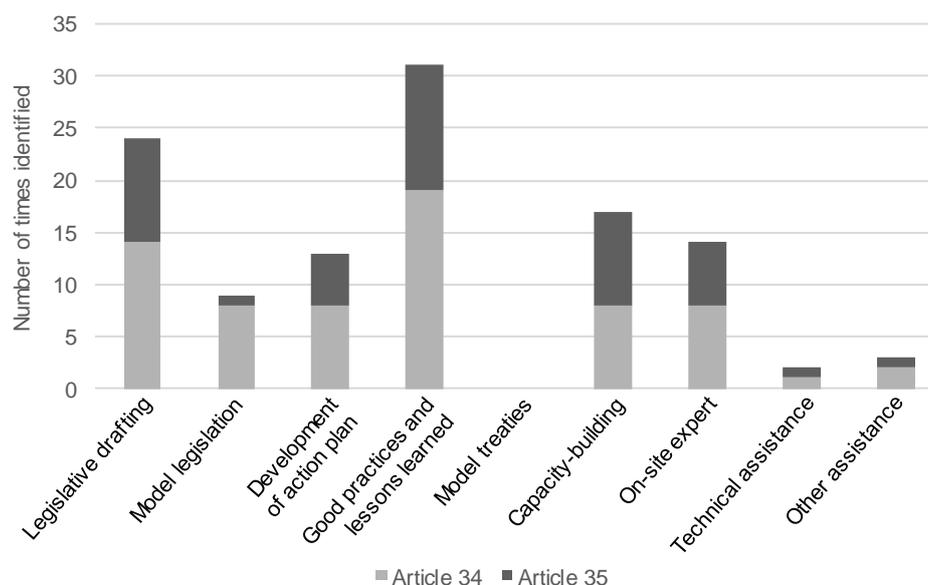
28. Even though article 29 of the Convention requires a long statute of limitations period for corruption offences, in practice that length varies greatly from State to State. In some States the statute of limitations is only two years, while in others corruption offences are imprescriptible. Although article 29 gives rise to much discussion during country reviews, only 14 States parties identified technical assistance needs in only 27 instances. As for article 41, 28 States identified needs in 66 instances.

Figure 18  
**Jurisdiction (art. 42)**



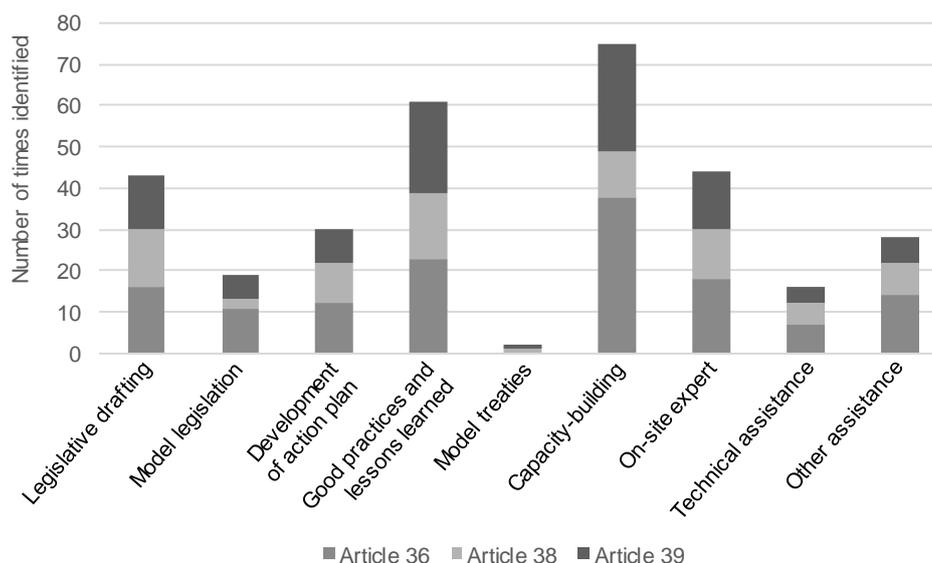
29. The matter of jurisdiction led to 31 States identifying technical assistance needs 73 times. Article 42 requires a very clear legal framework to meet the requirements of the Convention, which is reflected in how often needs for legislative drafting assistance were identified.

Figure 19  
Consequences of acts of corruption; compensation for damage (arts. 34 and 35)



30. For article 34, needs were identified in only 68 instances by 32 States parties. Article 25 had only 45 instances identified by 22 States parties. Here, as with many other articles, the need for the sharing of good practices and lessons learned was the most prominent, representing, in the case of article 34, nearly a third of all instances.

Figure 20  
Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)



31. The last grouping of articles under chapter III of the Convention is institutional and operational in nature, with article 36 relating to national specialized authorities and article 38 to inter-institutional cooperation. Article 36 is one of the articles in chapter III for which needs were identified most often: 136 instances, identified by 63 States parties. The needs for good practices and lessons learned are identified almost equally often for both articles 36 and 39 (22 and 23 times, respectively). Article 39, which relates to cooperation between national authorities and the private sector, gave rise to 42 States had identifying technical assistance needs in 100 instances. Clearly, the need for capacity-building and on-site visits by

anti-corruption expert highlight the dynamic nature of the authorities and their environments.

#### IV. Technical assistance needs identified for the implementation of chapter IV

32. Eighty-six States parties identified technical assistance needs in relation to the implementation of chapter IV (International cooperation) of the Convention. As with chapter III, in relation to chapter IV the need for capacity-building has seen the largest increase.

33. Figure 21 provides a breakdown by number of instances in which needs were identified for the four articles under chapter IV with the greatest needs over the period 2013-2017. Figure 22 sets out the number of times technical assistance needs were identified and the binary count of States having identified such needs (a State is counted once regardless of how many needs it has identified). Overall, 87 of the 108 States that had identified technical assistance needs had done so in relation to chapter IV.

Figure 21

**Top four articles under chapter IV for which technical assistance needs has been most frequently identified (2013-2017)**

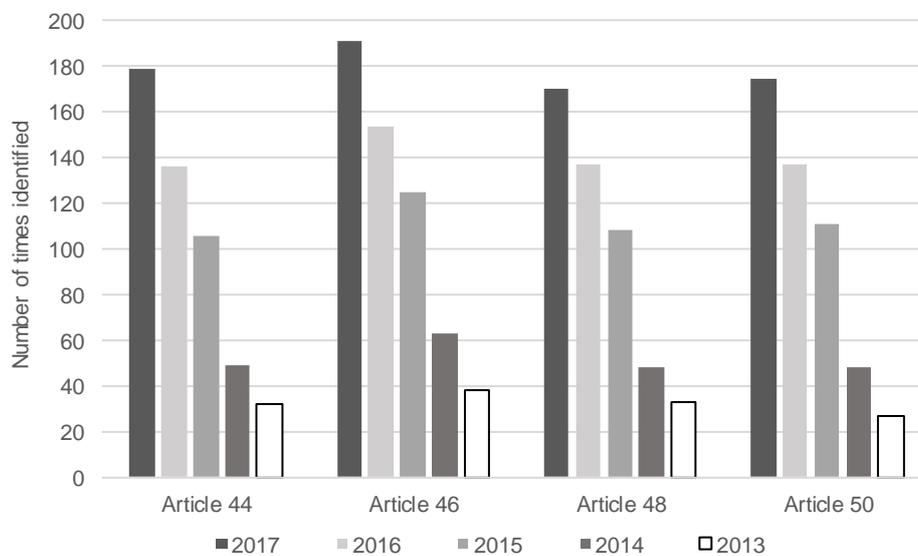
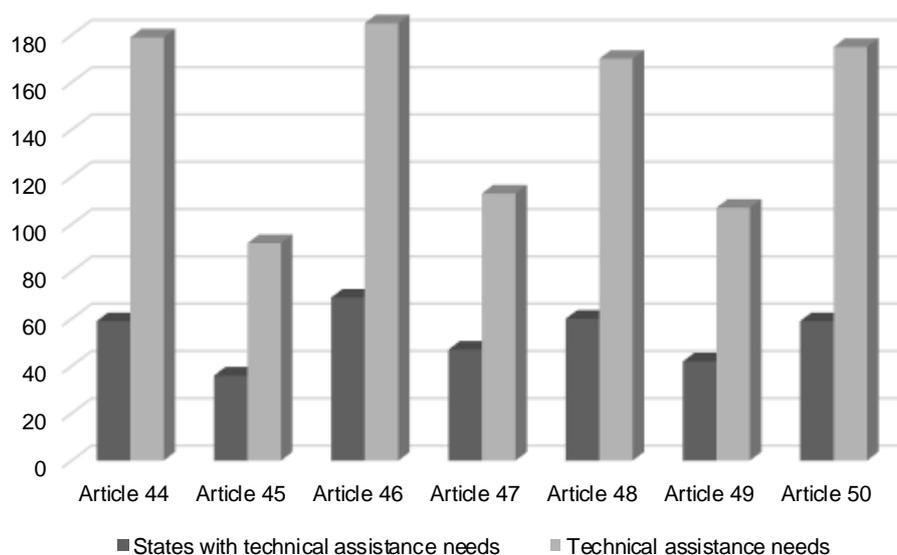
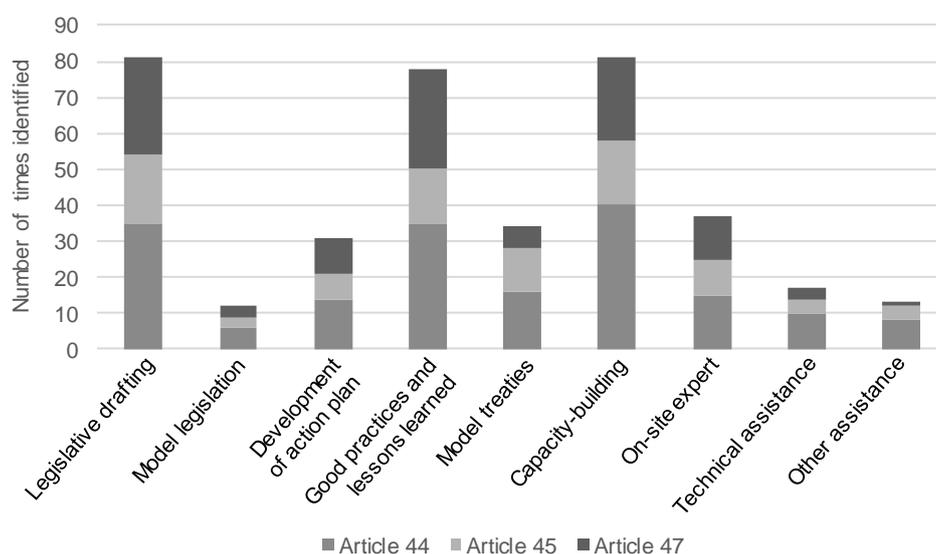


Figure 22  
**Number of States with technical assistance needs and number of times technical assistance needs were identified, by article**



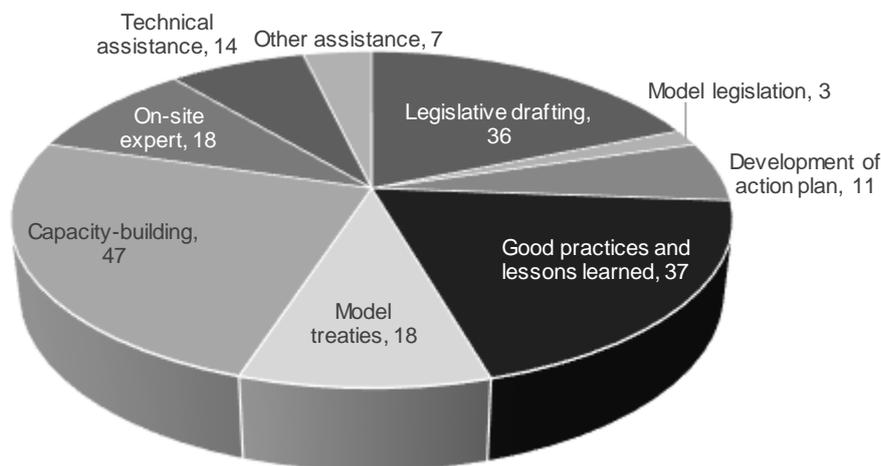
34. In total, technical assistance needs relating to chapter IV were identified 1,027 times. The three categories of needs that were most commonly identified related to capacity-building (253 instances), followed by good practices and lessons learned (209 instances) and legislative assistance (150 instances). In the previous written update ([CAC/COSP/IRG/2016/13](#)), capacity-building had overtaken legislative drafting as the category for which needs had been identified most often, a trend that continued when the latest needs were added to the overall figures. In the present sample, capacity-building saw a 42 per cent increase, whereas good practices increased by 23 per cent. The need for legislative drafting increased by 36 per cent since the previous report. The key articles of chapter IV have consistently remained among the articles for which needs are identified most often. However, in particular articles 44 and 46 are complex provisions and have more subparagraphs than most other articles under review during the first cycle.

Figure 23  
**Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)**



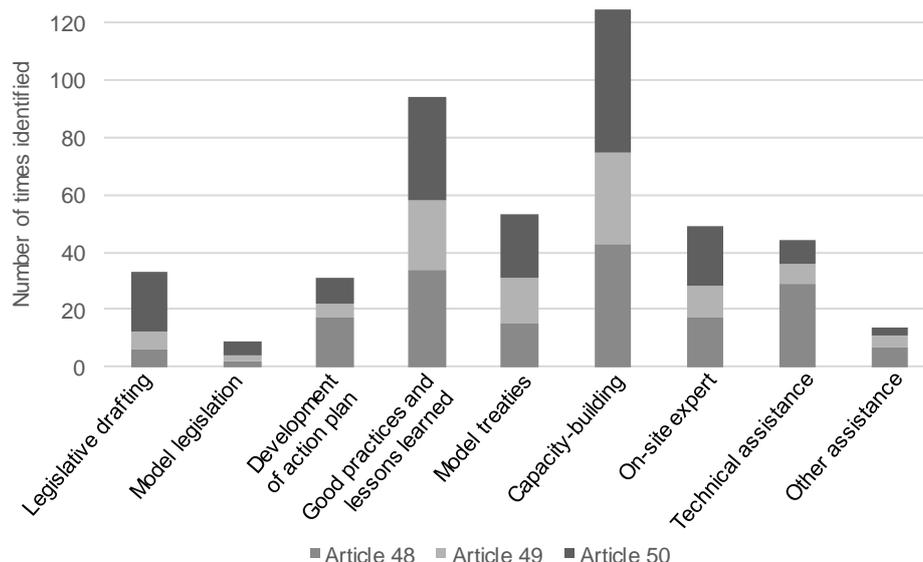
35. The distribution among articles 44, 45 and 47 of needs in the categories of legislative drafting, good practices and capacity-building has been relatively stable over the past years, although the number of times those needs are identified has been varying. The full implementation of the articles requires both a legal basis and an operational set-up, which was reflected in the high number of times needs for capacity-building were identified. Over the period 2013-2017, the increase for article 44 was more than fivefold. While most States have provisions relating to extradition in the general criminal code, the complex nature of article 44 has often led to the identification of gaps for which legislative assistance could be required that could further the implementation of the Convention.

Figure 24  
**Mutual legal assistance (art. 46)**



36. Under chapter IV, article 46 was again that for which needs were identified most often. Moreover, there was a fivefold increase over the period 2013-2017. Article 46 has 30 paragraphs and its provisions require legislative, institutional and operational responses. Sixty-nine States identified technical assistance needs for the full implementation of article 46, which is the largest number of States for any article (followed by articles 32 and 36, identified by 67 and 63 States, respectively). Nevertheless, its complexity has also made it the article for which the largest number of recommendations were issued, as well as the largest number of good practices.

Figure 25  
**Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)**



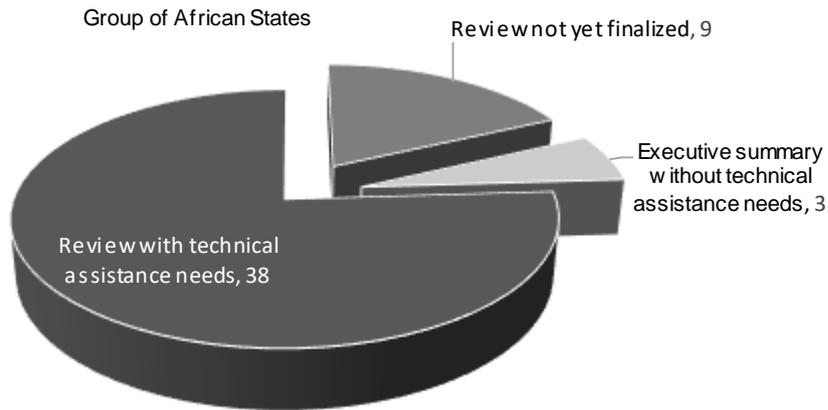
37. Articles 48, 49 and 50 on law enforcement cooperation, joint investigations and special investigative techniques are the most operational in nature of all in the Convention and are largely interrelated. Over the period 2013-2017, the number of instances in which needs were identified for article 50 increased six and a half times, from 27 to 175. Fifty of those related to capacity-building and 36 to good practices.

## V. Trends relating to the types of needs identified and technical assistance needs in the Group of African States

### Trends in the types of technical assistance needs identified and other needs emerging from the country reviews

38. In previous reports, regional analyses were prepared for the Group of Eastern European States, the Group of Latin American and Caribbean States, and the Group of Asia-Pacific States, as the majority of executive summaries for those groups had been completed. In the present note the technical assistance needs of African States parties are analysed in greater detail, as some 80 per cent of the executive summaries for the Group of African States had been finalized.

Figure 26  
**Number of African States parties having identified technical assistance needs**



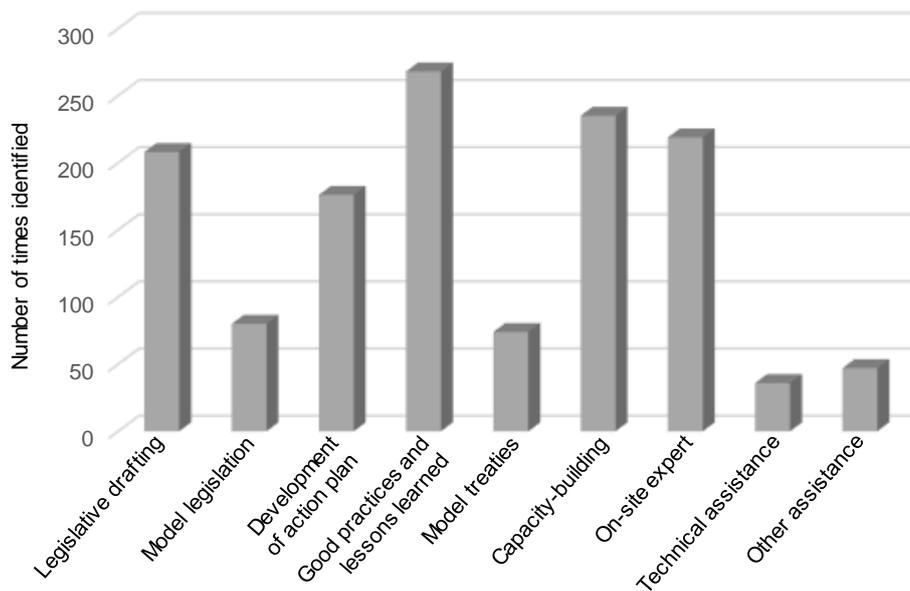
Note: Total equals 50 States parties.

**Group of African States**

39. In the Group of African States, 38 out of 41 States identified technical assistance needs 1,343 times, of which 919 related to chapter III and 424 to chapter IV. At 78 per cent of States having identified technical assistance needs, the Group of African States was the group for which needs emerged most frequently in the reviews. All 38 States that identified technical assistance needs did so for chapter III. A total of 33 States did so for chapter IV.

40. The needs identified related to all articles under review. The frequency with which needs were identified ranged from one in the case of one State party, to 134 in the case of another. A breakdown of needs by category is depicted in figure 27.

Figure 27  
**Categories of needs for the Group of African States**



41. In several cases, the needs identified by States reflect the support they had either already received, and of which they would like to receive more, or support they have seen other States receive. In the first case, the need identified is in the category of on-site visits by an anti-corruption expert (219 instances). That category surpasses

the number of needs for legislative assistance (208 instances). The need for on-site visits among African States represented 54 per cent of such needs globally. In the second case the need is for the development of an action plan for which needs had been identified in 176 instances, which represents 64 per cent of all needs for that category globally.

## **VI. Conclusion and the way forward**

### **Information on needs already addressed and national efforts for follow-up**

42. In its resolution 4/1, the Conference recommended that States parties identify technical assistance requirements in their responses to the comprehensive self-assessment checklist and in the country reports, preferably prioritized. The variety of specific needs reflects the efforts of States to identify their own priority areas and to set the path for national action plans. The United Nations Office on Drugs and Crime (UNODC) has demonstrated that higher-quality review reports and better-defined technical assistance needs enhanced the overall utility of the process and the country reports produced after the review. In the majority of States that had identified technical assistance needs, most needs were further specified in the course of the review process with the direct support of the reviewing experts and the Secretariat, and some needs fell outside the predetermined categories.

43. The need among States parties to have other States share good practices and lessons learned with them remained the most predominant feature throughout the country reviews that formed the basis for this overarching analysis of the first implementation review cycle. Technical assistance needs are identified at the outset of the review process, when the self-assessment checklist is filled out. It is a sort of mapping exercise, and the areas identified at this early stage provided the focal point and the national authorities an insight into where gaps in the anti-corruption framework have been identified. A review of all the executive summaries published showed that roughly half of them indicated that reform efforts, in particular legislative reforms, were already under way by the time of the country review. At times, the review team arrived for the country visit and was presented with either revised laws or brand new ones. As reflected in the note by the Secretariat on measures taken after the completion of the country reviews during the first review cycle ([CAC/COSP/2017/12](#)), the replies of States have also confirmed that, although legislative assistance might have been desired at the outset of the review, frequently, the finalization of the review process and the issuance of recommendations to amend laws served as catalysts for reform efforts.

### **Future priority areas for technical assistance**

44. The impact of the Implementation Review Mechanism was the subject of another note by the Secretariat ([CAC/COSP/IRG/2016/12](#)), in which it acknowledged that the Mechanism and the review process itself had already contributed to enhanced coordination among national stakeholders, in that the reviews had given them the opportunity to come together and had required them to enhance their national coordination efforts. As a way of raising awareness among donors in the field, the Secretariat has increasingly sought to organize donor briefings on the margins of the country visits. Although those briefings did not provide details of the review outcome without the express agreement of the State party under review, they highlighted that the reviews were aimed not only at providing recommendations to the country under review, but also at outlining the requirement for technical assistance where applicable. With few exceptions, little information has been received about how bilateral and multilateral technical assistance providers have used the outcomes of the reviews to inform their programming efforts. UNODC has provided assistance and support to a considerable number of States that wished to continue the work identified in the

review process by establishing an implementation plan. Despite such efforts, the need for technical assistance remains real.

### **Further consideration of areas in which to enhance the identification of technical assistance needs and to strengthen responses**

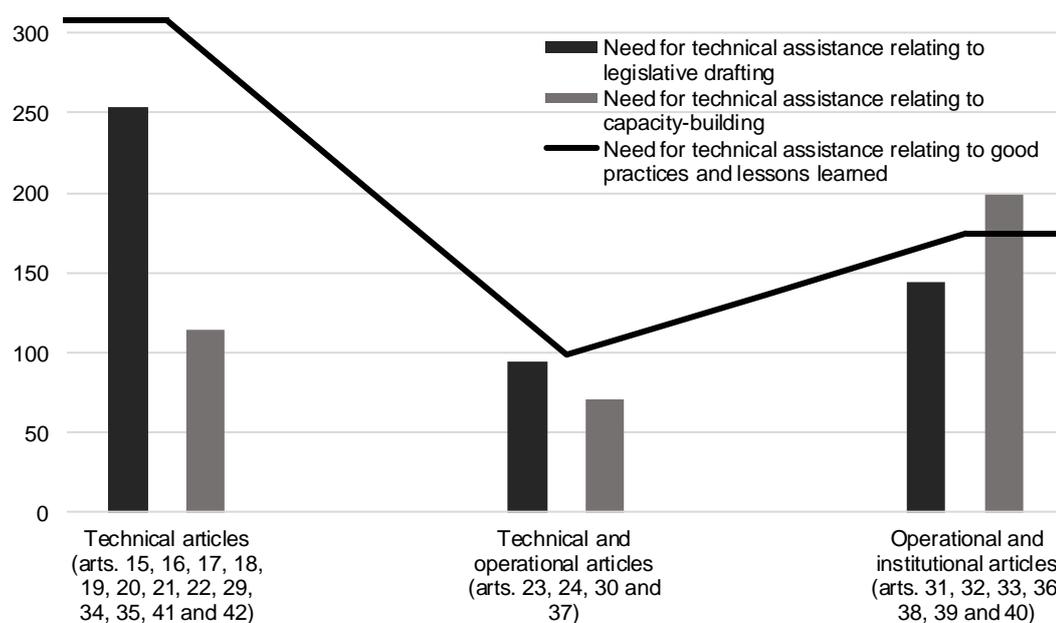
45. The present note is intended to wrap up the Secretariat's analysis of the technical assistance needs identified by States parties through the first cycle of the Mechanism for the Review of Implementation of the Convention. With the second review cycle under way, it has become clear that the full implementation by States parties of chapters III and IV remains crucially important for the second cycle owing to the natural linkages between the chapters. As underscored in previous notes by the Secretariat, the Convention is one body of law, and support in one area frequently benefits other areas as well. Enhanced capacity to confiscate assets leads to stronger evidentiary measures, which in turn strengthen the prosecution of cases and can lead to enhanced asset recovery efforts. Effective laws are in themselves a preventive measure, as is acquiring the means to implement them properly and raise awareness of them.

46. While it is likely that a significant proportion of States will continue to frequently identify many instances of technical assistance needs during the second cycle, it remains to be seen how those can be computed into an analysis. The self-assessment checklist for the second cycle (see [CAC/COSP/IRG/2016/4](#)) departed from the predefined categories to help to identify technical assistance needs. Instead, it regrouped the various types of support required to implement the Convention under the following categories: legislative assistance, institution-building, policymaking, capacity-building, research/data-gathering and analysis, facilitation of international cooperation with other countries and a final heading to offer an opportunity to identify needs that may not fall into the predetermined categories. The Secretariat remains hopeful that better-defined technical assistance needs may also lead to better-supported technical assistance delivery. Nevertheless, the prominent gap in addressing the technical assistance needs remains a concern.

47. As outlined above, technical assistance forms an integral part of the Convention. By limiting ourselves to a statistical analysis, technical assistance needs continue to provide interesting insights without generating the substantive discussions that could benefit States directly. The practice of providing opportunities for exchanging good practices and creating networks of anti-corruption practitioners has yielded concrete results and enabled peer-to-peer learning and the exchange of information. In some cases, panel discussions have led to direct channels of communication through which to discuss ways to receive more information through, for example, a study tour or direct support in a national context. Peer learning, or the exchange of good practices and lessons learned, has been emphasized as one of the most effective ways to enhance the implementation of the Convention, regardless of whether the area in question is technical or operational in nature.

48. Therefore, the Conference may wish to consider ways to boost the peer-learning element through the future work of the subsidiary bodies of the Conference. By continuing to strengthen the role of the subsidiary bodies in the exchange of information on successes and good practices identified by States parties in the implementation of the Convention, the Conference would continue the work to address technical assistance needs and provide a forum in which States could mutually benefit from discussions. To that end, the Conference may wish to call on States to continue sharing their experiences with implementing the Convention in the same spirit in which the Convention was drafted and adopted. Furthermore, the Conference may wish to consider ways in which the presence of practitioners at the meetings of the subsidiary bodies could be used to address some of the needs that have been identified at the global and regional levels.

Figure 28  
**The three most prominent categories of technical assistance needs, grouped by the nature of the articles to which they apply**



49. The gap between the need for technical assistance and the provision of that assistance is felt on many levels. The next challenge for States will be to report on their implementation of the Sustainable Development Goals. Target 16.4 of the Goals directly refers to the articles on bribery in chapter III of the Convention. The recommendation that States enhance their capacity and systems to gather statistics was one of the most frequently encountered in the framework of the Implementation Review Mechanism. However, the statistical reporting threshold is higher for the indicators for target 16.4. In reporting on their implementation of the Sustainable Development Goals, States will be required to produce statistics not only in relation to the number of corruption-related complaints and cases received and adjudicated, but will also be required to provide more detailed information from an experience-based perspective. While the statistical information requested for the implementation review is usually available through the judicial process and from institutions, the indicators for the Sustainable Development Goals are likely to require additional data.