

RECOMMENDATIONS AND COMMENTARY to

**The Open-ended intergovernmental meeting
of experts to discuss possible mechanisms to
review the UN Convention against
Transnational Organised Crime (UNTOC)**

**Based on the United Nations Convention against Corruption
(UNCAC) Doha Resolution, L9 on a Review Mechanism.**

**The Global Alliance Against Traffic in Women (GAATW)
January 2010**

INTRODUCTION

In November 2009, Resolution L9¹ on a Review Mechanism was adopted at the UNCAC 3rd Conference of States Parties (CoSP) in Doha, Qatar. The Resolution was drafted in reference to article 63, paragraph 7 of UNCAC, which provides for a mechanism to assist with implementation of the Convention if the Conference deems it necessary. Similarly, the current Open-ended intergovernmental meeting of experts on possible mechanisms to review implementation of UNTOC (herein after the Working Group [WG]) takes its reference from Article 32. 3 of UNTOC, according to which the Conference is to agree upon mechanisms for effectively reviewing UNTOC.

The following recommendations are presented as additions to the text of UNCAC resolution L9, which we believe the WG will use to form the basis of deliberations on a review mechanism to UNTOC.

This note has been prepared by the Global Alliance against Traffic in Women (GAATW), a network of over 90 organisations worldwide who work on trafficking, migration and labour issues. Many of these organisations work in direct contact with trafficked persons as service providers or advocates and therefore have great experience in this field. Our recommendations are based on this expertise and are aimed at ensuring any review mechanism adopted has maximum impact in global efforts to combat human trafficking.

¹ Extracts have been taken from the unofficial un-edited document available on the UNODC website: www.unodc.org

RECOMMENDATIONS

1. **Thematic focus:** Review of UNTOC and its Protocols must be divided by thematic area rather than on an article-by-article basis;
2. **Expert review:** An Implementation Review Group (IRG) composed of experts should be established to oversee the mechanism including the following responsibilities:
 - Drawing up the State self-evaluation questionnaires;
 - Selecting representatives from within the IRG to form the ‘Sub-Review Groups’ for the purpose of conducting country reviews;
 - Holding a constructive dialogue session with States under review once the report has been submitted to the IRG by the sub-review group;
 - Making recommendations on the basis of country reports and constructive dialogue sessions;
 - Assessing State progress in meeting recommendations²;
3. **Data source:** Non-state information sources must be drawn upon in the country review;
4. **Reference material:** reference to a broad range of international organisations, international and regional mechanisms research and reports must be made, including, *inter alia*, human rights treaty body reports and reports from regional trafficking responses review bodies;
5. **Country visits:** Country visits, during which the State under review facilitates discussion between the Review Sub-Group and all relevant national stakeholders, should not be optional but central to UNTOC’s review mechanism. National stakeholders consulted during these visits must be entitled to read and review information used in the compilation of the Review Sub-Group’s report at the same time as the State reviews the report;
6. **Publication:** The country review report must be made available to the IRG, States and consulted civil society;
7. **Follow up:** Meaningful and effective follow up should involve both the IRG (as outlined above) and civil society;
8. **Funding:** All aspects of the Review Mechanism should be funded from the UN regular budget.

² See annex 2 for a detailed flow chart of functions.

Recommendation 1:

Review of UNTOC and its Protocols must be reviewed by one single mechanism on a thematic basis

UNCAC Review Mechanism text:

Review mechanism: Focus of review cycles

4. Decides also to review during the first cycle chapters III (Criminalisation and law enforcement) and IV (International cooperation) and during the second cycle chapters II (Preventive measures) and V (Asset recovery);

UNTOC suggested text:

The IRG shall select the specific thematic areas of UNTOC and its protocols on which each evaluation round shall be based. For the first evaluation round, the IRG shall select the provisions of UNTOC which will provide an overview of implementation of the Convention by each party.

Commentary

Most criminal justice practitioners accept that trafficking responses must address all aspects of the Protocol in unison, including identification and protection measures, if prosecutions are to be made or trafficking is to be prevented. The review should not be limited to one treaty but take for its basis thematic areas which occur across the majority of treaties. At all stages during the review of the Protocols, all UNTOC's provisions must be applied *mutatis mutandis* and therefore States' compliance with the parent convention and its protocols are to be considered in parallel under one single mechanism.

Recommendations 2-9 refer to the text of document L9, UNCAC Review Mechanism, Annex 1 Terms of reference of the mechanism for the review of implementation of the United Nations Convention against Corruption.

Recommendation 2:

An IRG composed of experts should be established to undertake the review including the following responsibilities:

- Preparing a standard self-evaluation questionnaire, which States Parties under review will complete;
- Selecting the ‘Review Sub-Groups’, a group of 2 members of the IRG who gather information on States under review;
- Holding a Constructive Dialogue session with States under review following submission of the country report by the Review Sub-Group;
- Making recommendations on the basis of country reports and Constructive Dialogue sessions;
- Assessing State progress in meeting recommendations³.

UNCAC Review Mechanism text:

B. The country review: i. Conduct of the review

18. *Each State party shall be reviewed by two other States parties. The review process shall actively involve the State Party under review.*

21. *Each State Party shall appoint up to 15 governmental experts for the purpose of the review process. The Secretariat shall compile and circulate prior to the drawing of lots for the reviewing State Parties a list of such governmental experts, which will include information on their professional background, their current positions, other relevant offices and activities and areas of expertise required for the respective review cycle. States parties shall endeavour to provide information necessary for the secretariat to compile and keep the list up-to-date.*

26. *The country review shall lead to the elaboration of a Country report based on a blueprint to be developed by the secretariat in consultation with the States Parties and endorsed by the Conference to ensure consistency.*

C. Implementation Review Group

42. *The Implementation Review Group shall be an open-ended intergovernmental group of States Parties. It shall operate under the authority of and report to the Conference.*

44. *The functions of the Implementation Review Group shall be to have an overview of the review process to identify challenges and good practices as*

³ See annex 2 for a detailed flow chart of functions.

well as considering technical assistance requirements in order to ensure effective implementation of the Convention. The Thematic Implementation Report will serve as the basis for the analytical work of the Implementation Review Group. On the basis of its deliberations, the Implementation Review Group shall submit recommendations and conclusions to the Conference of State Parties for its consideration and approval.

UNTOC suggested text:

Structure and Responsibilities of the IRG

The IRG shall operate under the authority of and report to the CoSP. The Rules of Procedure of the Conference shall apply, mutatis mutandis to the IRG.

Composition:

The IRG shall be composed of 40 independent experts appointed by the CoSP. Each regional group shall have representation on the IRG (in proportion to the number of States Parties in the regional group). No state should be represented more than once on the IRG.

Each State Party shall notify the Secretariat of the names of up to 15 independent experts to represent them on the IRG ensuring gender balance.

The members of the IRG shall be elected from the lists submitted by States at the CoSP based on their expertise, including in women and child rights, and equitable geographical distribution and ensuring a gender balance. Rotation of members every four years will ensure all States Parties an equal standing in the mechanism.

Responsibilities of the IRG

The IRG shall be responsible for the technical analysis of the implementation of UNTOC. In performing this function it shall:

Select the thematic area and provisions on which States shall be reviewed;

Establish the schedule and requirements for each review cycle

Adopt a self-assessment questionnaire on the provisions selected for review based on UNTOC and relevant protocols;

Develop a set of Guidelines for the Review Sub-Group;

Adopt a standard blueprint format upon which country reports can be based;

Operate a process of drawing of lots to determine the composition of Review Sub-Groups, to be comprised of 2 members of the IRG, one of whom shall be from the same geographical region as the State party under review, and shall have, if possible, a legal system similar to that of the State party under review. States shall not undertake mutual reviews;

Conduct Constructive Dialogue sessions with States under review drawing on the country reports submitted by the Review Sub-Group;

Develop recommendations to States under review based on the country reports and Constructive Dialogue sessions for approval by the CoSP;

Review follow up reports from States Parties and make recommendations to the CoSP.

Commentary:

The IRG could ensure coherence and consistency in country reports as well as assisting in identification of challenges to implementation and technical assistance needs. On the basis of the country reports the IRG would produce recommendations for approval by the CoSP.

For example, the Council of Europe monitoring body, the Group of Experts against Trafficking in Human Beings (GRETA)⁴, is composed of experts appointed for 4 year terms, offering independent advice on the basis of their country analysis. This is a clear benefit as these experts are recognised and respected as offering exemplary opinion on human trafficking.

The number of members proposed in the IRG is 40 as a greater number would make deliberations unmanageable. The Review Sub-Group, selected from and reporting to the wider IRG and CoSP, would gather country information. This includes communication with the State under review; conducting desk-based and country visit reviews and receiving reports from civil society.

The IRG would meet at least once a year, taking the country data gathered by the Review Sub-Groups as the basis of its deliberations from which recommendations would be made. The IRG would conduct Constructive Dialogue with States Parties and civil society in order to discuss the initial findings of the review. This system is operated by the Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), the Organisation for Economic Cooperation and Development (OECD) as well as the Group of States Against Corruption (GRECO)⁵ mechanisms.

⁴ See example number 4 in Annex 1

⁵ See examples 1,2&3 in Annex 1

Recommendation 3:

Non-state information sources should be drawn upon in the country review.

UNCAC Review Mechanism text:

B. The Country Review: i. Conduct of the Review

22. *The Reviewing State Parties shall carry out, in accordance with the Guidelines for Governmental Experts and the Secretariat (hereinafter the Guidelines), a desk review of the response to the comprehensive self-assessment checklist by the State Party under review. Such desk review shall entail an analysis of the response focused on measures taken to implement the Convention, and successes in and challenges of such implementation.*

23. *In accordance with the guiding principles and in conformity with the Guidelines, the Reviewing States Parties, supported by the Secretariat, may request the State Party under review to provide clarifications or additional information or to address supplementary questions related to the review. The ensuing Constructive Dialogue may be carried out, inter alia, by way of conference calls, video-conferences or email exchanges, as appropriate.*

28. *The State Party under review shall endeavour to prepare their responses to the comprehensive self-assessment checklist through broad consultations at the national level with all relevant stakeholders, the private sector, individuals and groups outside the public sector.*

UNTOC suggested text:

The country review; conduct of review

The Review Sub-Group shall carry out, in accordance with Guidelines drawn up by the IRG, a desk review of the response to the self-assessment questionnaire by the State Party under review, including any additional responses received from relevant civil society.

In accordance with the guiding principles and in conformity with the Guidelines, the Review Sub-Group, supported by the Secretariat, may request the State Party under review and relevant civil society to provide clarifications or additional information or to address supplementary questions related to the review. The ensuing information exchange with States and civil society may be carried out, inter alia, by way of conference calls, video-conferences or email exchanges, as appropriate.

The State Party under review shall prepare their responses to the comprehensive self-assessment questionnaire through broad consultations at the national level with all relevant stakeholders, including civil society.

Civil Society Participation

Civil society may submit reports to the IRG and Review Sub-Group by:

- a.) **Responding within the self-assessment questionnaire format;**
- b.) **Preparing focused proposals or observations related to a specific country review.**

Civil society may give verbal presentations of the documents they have submitted during the IRG Constructive Dialogue sessions with States under review.

Commentary:

UNTOC relies on multiple stakeholders in order to ensure it is implemented effectively and comprehensively. Such stakeholders include, *inter alia*: victims and former victims, social service providers and organisations offering victim protection and assistance, legislators and the judiciary, advocates, law enforcement officers and non-governmental bodies who assist in law enforcement activities⁶. These stakeholders are involved in the implementation of UNTOC and therefore should be involved in the review of its implementation. This will ensure that all evidence of efforts to combat transnational organised crime is highlighted through country reviews.

For each regional review mechanism cited in Annex 1, civil society is afforded a key role during the data collection process. This enhances these review mechanisms as it enables the country review team to gain a rounded picture of national implementation machinery.

In the case of trafficking in persons which, *inter alia*, spans the following policy areas: internal security, economic and social policy, employment policy, migration, human rights, and crime-prevention policy, it is crucial that a multitude of actors are included in the review of State implementation of UNTOC. Not only does civil society possess expertise on these issues, but key services, which should be assessed alongside State Services, are often offered by civil society, for example:

In Austria, LEFÖ, runs an intervention centre for trafficked women offering specialist support to trafficked women and girls. LEFÖ also sits on the Austrian government's Human Trafficking Task Force Interdisciplinary Group of Experts;

In Nigeria, a handbook for legal actors and assistance providers working with trafficked persons was produced by the National Agency for Prohibition of Traffic In Persons and other Related Matters (NAPTIP), GAATW and the United Nations Development Fund for Women (UNIFEM); further the NGO Women Trafficking and Child Labour Eradication Foundation (WOTCLEF) runs a shelter which provides care and rehabilitation services to victims of trafficking below 18 years of age on referral from NAPTIP. The NGO also sits on the NAPTIP National Consultative Forum which is a multi-sectoral coordination mechanism on anti-trafficking interventions;

⁶ In this document these non-state stakeholders are collectively referred to as 'civil society'

In Thailand, the Foundation for Women, provides information, support and referral, social and legal assistance to trafficked women. It also offers assistance to trafficked women in countries of destination;

In Europe, the La Strada Network works with Governments on National Referral Mechanisms, which includes assistance with repatriation and reintegration as well as identification and protection services.

Recommendation 4:

Reference to a broad range of international organisations international and regional mechanisms research and reports should be made, including, *inter alia*, human rights treaty body reports and reports from regional review bodies.

UNCAC Review Mechanism text:

27. *The review shall be carried out as follows: [....]*

(c) Where the State party under review is a member of an organisation and/or a mechanism below, the reviewing States Parties may consider information relevant to the implementation of the UNCAC produced by:

- Competent international organisations, whose mandates cover anticorruption issues; and International and regional mechanisms for combating and preventing corruption.*

UNTOC suggested text:

The review shall be carried out as follows: [....]

Where the State Party under review is a member of an organisation and/or a mechanism below, the Review Sub-Group may consider information relevant to the implementation of UNTOC produced by:

- Competent international bodies, whose mandates cover security, labour, migration, women, children, human rights, crime-control and prevention; and international and regional mechanisms for combating and preventing transnational organised crime.*

Commentary:

In order to ensure that the Review Mechanism is complementary and non-duplicative, there should be coordination and reference to, *inter alia*, core human rights treaties, international labourstandards and international organisations with a mandate to offer guidance to States in developing policies to tackle migration, labour, human rights especially women and child rights, security, crime-control and prevention.

Recommendation 5:

Country visits, during which the State under review facilitates discussion between the Review Sub-Group and all relevant national stakeholders, should not be optional but central to UNTOC's review mechanism. All national stakeholders consulted during these visits must be entitled to read and review information used in the compilation of the Review Sub-Group's report at the same time as the State reviews the report.

UNCAC Review Mechanism text:

If agreed by the State Party under review, the desk review should be complemented with any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office in Vienna, in accordance with the Guidelines.

30. States Parties are encouraged to facilitate engagement with all relevant national stakeholders in the course of a country visit.

31. The reviewing States Parties and the Secretariat shall maintain confidential all information obtained in the course of, or used in the country review process.

UNTOC suggested text:

The desk review will be complemented with a country visit, in accordance with the Guidelines.

During the country visit States parties should facilitate engagement with all relevant national stakeholders including civil society. All national stakeholders who have provided information to the Review Sub-Group during the course of a country visit will be issued with a copy of the report and given an opportunity to provide feedback where they have been cited in the text.

Commentary

GRECO, the OECD working group, GRETA and the African Peer Review Mechanism(APRM) involve country visits including civil society input. MESICIC also undertakes country visits. In order to assess anti-trafficking efforts adequately, national action plans and policies (which often involve multiple agencies and actors) must be examined in practice. As highlighted above, many different organisations (including those operating victim assistance facilities) work on trafficking at a national level and coordinate efforts through multi-sectoral dialogue mechanisms. This work can only be assessed through first-hand observation and analysis.

Recommendation 6:

The country review report must be made available to the IRG, States and further consulted national stakeholders, including civil society

UNCAC Review Mechanism text:

ii. Outcome of the country review process

34. *The country review report including the executive summary shall be finalised upon agreement between the reviewing States Parties and the State party under review.*

35. *The secretariat shall compile the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs contained in the country reports and include them thematically in a “Thematic Implementation Report” and regional supplementary addenda for submission to the open-ended intergovernmental Implementation Review Group.*

36. *The executive summaries from each finalised country review report shall be translated into the six official languages of the United Nations and made available as official documents of the Implementation Review Group only for information purposes.*

37. *The Country review report shall remain confidential,*

UNTOC suggested text:

The country review report will inform the IRG’s Constructive Dialogue with the State Party and then finally be adopted.

Subsequent to the Constructive Dialogue session the IRG should make recommendations to the CoSP

The finalized country review report should be translated into the six official languages of the United Nations and be published on the UNODC website.

Commentary

The GRECO, OECD Working Group, GRETA, MESICIC and APRM review mechanisms all publish country reports subject to State agreement. As noted above, civil society plays an active role in most aspects of UNTOC's national implementation, therefore consultation with national civil society is crucial. Subsequently the report must be made available to groups consulted, ideally through publication of the report on the UNODC website.

Recommendation 7:

A meaningful and effective follow up should involve both the IRG (as outlined above) and civil society

UNCAC Review Mechanism text:

iii. Follow-up procedures

40. In the following review phase, each State Party shall submit information in its responses to the comprehensive self assessment checklist on progress achieved in connection with the observations contained in its previous country review reports. As appropriate, States parties shall also provide information on whether technical assistance needs requested by it in relation to its country review report have been provided.

UNTOC suggested text:

*In the following review phase, each State party shall submit information in its responses to the comprehensive self assessment checklist on progress achieved in connection with the observations contained in its previous country review reports. **In making their submission, States shall consult widely with civil society.** As appropriate, States Parties shall also provide information on whether technical assistance needs requested by it in relation to its country review report have been provided.*

Civil society may also submit responses to the comprehensive self assessment checklist, independent of the State response.

Information will be assessed and evaluated by the IRG who will make further recommendations if considered necessary.

Commentary:

Effective monitoring mechanisms include comprehensive means of follow-up, indicating what further technical assistance is required by States in order to meet the observations and recommendations made in the country review report. GRECO, GRETA, MESICIC, APRM and the OECD Working Group include follow-up mechanisms: GRECO re-opens its review if a set period of time elapses without State action; GRETA follow-up is conducted by the Committee of the Parties; MESICIC follow-up is conducted by the Secretariat through an annual implementation report and country visits; the APRM gradually places increasing pressure on States to meet recommendations; and the OECD Working Group operates a comprehensive second follow-up phase. In order to ensure technical assistance needs are met, States can draw on the expertise and assistance of experts on the IRG and national civil society.

Recommendation 8:

All aspects of the Review Mechanism should be funded from the UN regular budget

UNCAC Review Mechanism text:

VII. Funding

54. The requirements of the Mechanism and its secretariat shall be funded from the regular budget of the United Nations.

55. The requirements set in paragraph 27 and 31 relating, *inter alia*, to the requested country visits, the joint meetings at the United Nations Office in Vienna, and the training of experts shall be funded through voluntary contributions, which shall be free of conditions and influence.

UNTOC suggested text:

All requirements of the Mechanism and its Secretariat shall be funded from the regular budget of the United Nations. Adequate funding from this budget shall be provided for country visits, joint meetings at the United Nations Office in Vienna and the training of experts.

Commentary

Funding for all aspects of the review mechanism must come from the same budget in order to prevent bias or inconsistency in review.

Annex 1 – Relevant Regional Review Mechanisms

1. The Inter-American Convention against Corruption

Source: www.oas.org/juridico/english/mesicic_intro_en.htm

Mechanism:

- The Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) is comprised of the Conference of States Parties (CoSP), the Committee of Experts and the Technical Secretariat;
- The CoSP holds overall responsibility and authority over the Mechanism;
- The Committee of Experts is comprised of members appointed by each of the 33 States Parties to the Convention, it is divided into sub-groups for the purpose of country reviews which are selected based on a series of criteria which ensures that for each state reviewed there is at least one state present which shares its legal tradition;
- 10 countries are reviewed per year.

Action:

- Countries self-assess following a set questionnaire and indicators framework;
- Civil society may also submit written information to MESISC using the state questionnaire format, specific proposals related to the implementation of recommendations arising from previous review rounds, or on collective interest issues;
- Civil society may ask to participate in Committee meetings in order to present their report findings to the Committee;
- The Committee carries out technical analysis of country convention implementation. This involves meetings with governments and facilitation of information and best practice exchange between states;
- The Secretariat prepares a preliminary report to submit to the review sub-groups who assess the State's performance then present their findings to the plenary of the Committee of Experts where the country reports are approved.

Results:

- Country reports which include concrete recommendations and indicators for their implementation are made available on the MESICIC website subject to State agreement;

- Subsequent to the first review round, on-site visits are conducted to follow up on review recommendations;
- At the start of each new review round, included within the questionnaire is a section on ‘follow up. The State Party must also indicate difficulties in implementation of the recommendations. The country report should also note which recommendations have been satisfactorily fulfilled;
- The Secretariat produces annual progress reports related to countries’ implementation of the recommendations.

2. OECD Anti-Bribery Convention

Source: www.oecd.org

Mechanism:

- The Working Group on Bribery in International Business Transactions comprises government experts from the 38 States Parties to the Convention;
- Two countries are appointed to act as lead examiners for each country reviewed, who work with the Secretariat to compile reports;
- The Working Group meets 5 times a year to review 37 countries over 2 years;
- The countries leading the examination bear the cost of 1-3 experts from their country to travel on country visits. Each country bears the cost of translating their legislation into English or French (official OECD languages). They also bear the costs of their country desk based review.

Action:

- State compliance with the Convention is monitored through a system of peer review, involving self-evaluation and mutual-evaluation, in two stages:
- Phase 1: Countries complete a questionnaire which assesses the compliance of their legal framework with the Convention. This is examined by the lead examiners and the OECD Secretariat to ensure completeness.
- The Working Group examines the consistency of national legislation with the Convention, highlighting deficiencies and making recommendations for new legislation required. The schedule of country consultations is made publicly available, enabling civil society to provide information in a timely fashion.

- Phase 2: This examines the structures put in place to enforce legislation. A detailed questionnaire is completed and a country visit is conducted, which includes meetings with government, judiciary and civil society actors to ascertain the extent to which effective structures are in place to prevent and prosecute foreign bribery. A plenary session provides an opportunity for the government under review to bring observations forward to which members of the WG can respond.

Results:

- A country report including an evaluation and recommendations to governments is prepared and adopted by the working group and made available on the OECD website;
- There is a process in place to permit follow up on reports for countries performing inadequately.

3. The Council of Europe (CoE) Anti-Corruption instruments [Guiding Principles in the Fight against Corruption and international legal instruments adopted in pursuance of the Council of Europe Programme of Action against Corruption]

Source: www.coe.int/greco

Mechanism:

- All full members submit themselves to the mutual evaluation and compliance procedures;
- The Group of States against Corruption (GRECO) comprises 45 European states and the United States of America;
- Each member appoints up to two representatives who participate in GRECO plenary meetings and are afforded voting rights. Each member also provides GRECO with a list of 5 experts who form the pool for evaluation teams. Other CoE bodies may also appoint representatives (e.g. the Parliamentary Assembly of the CoE);
- All Member States are evaluated in one evaluation round lasting three years.

Action:

- GRECO decides on specific themes and provisions from the Convention or the 20 guiding principles to be covered during each of its evaluation rounds;
- The evaluation process begins with a self-assessment questionnaire, then evaluation expert teams conduct country visits, meeting both public officials and civil society;

- Following the country visit the evaluation team delivers a report to the State under review for comment, this may include recommendations for legal and policy reform;
- Reports are adopted in GRECO plenary and then form the basis of a compliance process designed to assess measures taken to implement the reports' recommendations.

Results:

- The state under review must complete a situation report within 18 months of the adoption of the initial report in GRECO plenary;
- The report is made public on the GRECO website if the state under review agrees;
- If, within 18 months of the adoption of a report, a State fails to comply with all recommendations then GRECO will conduct further examinations.

4. The Council of Europe Convention on Action against Trafficking in Human Beings (not yet fully operational)

Source: www.coe.int/t/dghl/monitoring/trafficking

Mechanism:

The Convention currently has 20 States Parties and 20 States Signatories. The monitoring mechanism consists of two strands:

1. The Committee of the Parties (CoP) comprised of Ministers representing States Parties to the Convention and non-members of the Council of Europe (CoE);
2. The Group of Experts against Trafficking in Human Beings (GRETA) is made up of between 10 and 15 independent experts (currently GRETA has 13 serving members) from varied geographical and professional backgrounds nominated by States Parties to the Convention.

Action:

- The monitoring process is divided into cycles according to the Provisions of the CoE Convention;
- This commences by means of a questionnaire prepared by GRETA and distributed to States for completion (as GRETA is a new body it has just prepared the first such questionnaire);
- Once responses are collected GRETA will decide whether further information from distance communication with States, civil society or through country visits is required.

Results:

- Following the information gathering process, GRETA will then prepare a draft report to send to both the CoSP and the State concerned;
- The report is made public without any modifications from the CoSP;
- The CoSP may make recommendations for the implementation of the report's conclusions.

5. The New Partnership for Africa's Development [Declaration on Democracy, Political, Economic and Corporate Governance]

Source: www.aprm-international.org

Mechanism:

- The Africa Peer Review Mechanism (APRM) acts as an African Union self-monitoring mechanism, ensuring adherence with the Declaration on Democracy, Political, Economic and Corporate Governance;
- In 2008 there were 29 members of the Mechanism all of whom contribute to funding the Mechanism according to their means;
- Each country is reviewed once every 2-4 years
- The APRM is directed and managed by the Africa Peer Review (APR) Panel (made up of between 5 and 7 'Eminent Persons' who are supported by a secretariat - with appropriate professional, intellectually, moral and ideological position) and the APR Forum (made up of Heads of State and Governments);
- Candidates for appointment to the Panel will be nominated by States and appointed by APR Forum;
- Members of the Panel serve for up to 4 years and retire by rotation.

Action:

The APRM covers 91 indicators in four focus areas: (1) Democracy and Political Governance; (2) Economic Governance and Management; (3) Corporate Governance; and (4) Socio-Economic Development.

The review process includes:

- An initial review carried out within eighteen months of a country becoming a member of the APRM process, followed by a periodic review that takes place every 2-4 years
- The review begins with a study of the country under review based on documentation prepared by the Secretariat, a self-assessment questionnaire and material from national, sub-regional, regional and

international institutions. This is followed by a country visit involving consultations with government, officials, politicians and representatives of civil society organisations (including the media, academia, trade unions, business, professional bodies). Based on the data collected, a report is compiled and measured against the countries commitments.

- The draft report is discussed with the government under review and finally submitted to Heads of State for adoption.

Results:

- In order to assist countries in follow up, participating governments make contributions along side donor agencies;
- If a country fails to follow up on the recommendations made in the country report they are first engaged in Constructive Dialogue with other participating States;
- If this fails then the other participating countries can issue a notification of intent to formally follow up on the States commitments at a given date.

Annex 2: THE COUNTRY REVIEW

Implementation Review Group prepares a standard self-evaluation questionnaire for all States Parties under review to complete



States under review complete self-evaluation questionnaire and submit to the Implementation Review Group



The Review Sub-Group conducts a desk-based review of the State under review based on data from the self-evaluation questionnaire



The Review Sub-Group conduct country visits during which the State under review facilitates a programme of visits to all relevant ministries agencies, facilities and stakeholders



The Review Sub-Group compiles a draft country report,which is shared with States and Stakeholders before submission to the Implementation Review Group



The Implementation Review Group holds a Constructive Dialogue session with the State under review during which the first draft report is discussed as a basis for the Implementation Review Group's recommendations to the CoSP.



Based on the report and the Constructive Dialogue session the Implementation Review Group finalises the report andformulates recommendations for the State under review which it submits to the CoSP



Full analyses of countries are adopted at the CoSP and States report periodically to the CoSP and Implementation Review Group on progress in meeting the report recommendations



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HUMAN RIGHTS at home. abroad and on the way...