

**UNITED NATIONS
CONVENTION AGAINST
CORRUPTION**

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First: Iraq's Accession to UNCAC

CoR issued Law No. 35 of 2007 providing for Iraq's accession to the United Nations Convention against Corruption. Accordingly, Iraq has become one of the member states to the Convention, and is therefore bound to implement its provisions.

Second: Notifying the UNSG Pursuant to UNCAC

- 1- The UNSG was notified that **COI** is the Iraqi body concerned with assisting the Arab countries to develop and implement specific measures to prevent corruption, in accordance with Clause 3 of Article 6 of UNCAC.
- 2- The UNSG was provided with a copy of Order No 93 of 2024 concerning AML Act, pursuant to Paragraph D of Clause 2 of Article 2 of UNCAC.
- 3- The UNSG was notified that Iraq considered UNCAC a legal basis for cooperation on extradition of criminals with other member states in accordance with Paragraph 'a' of Clause 6 of Article 44 of UNCAC.
- 4- UNSG was notified that **COI** was the central authority duly empowered to receive, implement or refer requests of bilateral legal assistance to competent authorities for implementation pursuant to Clause 13 of Article 46 of UNCAC.
- 5- Iraq has joined STAR initiative launched by WB and UNODC to assist member states to recover the stolen money smuggled abroad. Iraq has demanded the initiative to help it in capacity building, training and exchanging of information on its money, and to provide it with legal advice.
- 6- Iraq's performance has been assessed in accordance with the UNCAC provisions, based on the UN in-depth self-assessment tools.
- 7- Interaction with the UN is maintained through UNDP and UNODC. Iraq has participated in the UNCAC conference in Oman and Qatar, and in the member states' meetings in Austria.

Third: Formation of Official Iraqi Expert Group Supervising UNCAC Implementation

Based on the UNCAC implementation requirements and in order to conduct self-assessment and create new, or amend existing, Iraqi regulations on combating corruption to ensure their compatibility with UNCAC and follow-up its implementation, a group of Iraqi experts was set up in 2009, presided by the **COI** commissioner, with the participation of all regulatory institutions, CSOs, and the private sector, in collaboration with UNDP and UNODC. The group preceded its works through holding workshops and meetings and forming sub-committees, and it continues to exercise its duties and implement the recommendations proposed by the workshops.

The Group is Comprised of:

- 1- **COI** commissioner (Chairman);
- 2- CoR representative;
- 3- HJC representative;
- 4- Representative of Bar Association and Iraq Jurists Union;
- 5- **COI** employees;
- 6- UNDP representative;
- 7- UNODC representative;
- 8- Office of Prime Minister's Coordinator for Regulatory Affairs;
- 9- IGOs;
- 10- BSA representatives;
- 11- CBI representative;
- 12- MoP/COSIT representatives;
- 13- Representatives of CSOs, including the media;
- 14- Iraqi universities' representative; and
- 15- The private sector's representatives.

Fourth: Workshops held by the Experts Group and sponsored by UNDP and UNODC

- 1- A workshop on the UNCAC implementation was held in Amman, Jordan, on 4-8 January, 2009.
- 2- A workshop was held in Amman, Jordan, on 26-30 April, 2009, concerned with providing training on the UNCAC implementation and discussing the questions included in the UNCAC self-assessment list.
- 3- A workshop was held in Amman, Jordan, on 7-10, September, 2009, for providing training about the UNCAC implementation and reviewing relevant developments.
- 4- A workshop for trainers' training on the NACS promotion and enforcement was held in Amman, Jordan, on 14-19 February, 2010.
- 5- A workshop was held in Rabat, Morocco, on 27 September-1 October, 2010, for training experts on reviewing the UNCAC implementation. The workshop was attended by Iraq, Morocco, Libya, Egypt, Jordan, Tunisia, Palestine, Djibouti, United Arab Emirates, and Yemen.
- 6- A workshop was held in Amman, Jordan, on 31 October-2 November, 2010, to study the progress achieved with respect to implementation of the recommendations adopted by the group at the 1st and 3rd workshops. New recommendations were made by that workshop for completion of the previous recommendations, and a number of joint committees was set up for this purpose.

Fifth: Workshop Results

A number of general recommendations called 'Guiding Recommendations' have emerged through these workshops, as follows:

- 1- Calling for continued efforts to develop NACS for ensuring systematic and coordinated public policies geared to meeting corruption combating commitments and supporting integrity, transparency and accountability, in keeping with UNCAC, taking into consideration the results of the in-depth self-assessment.
- 2- Conducting comprehensive national study and survey about corruption perceptions, as well as performing a sustainable periodic evaluation of government agencies' performance, leading to a final report which constitutes a starting point towards building an integrated national anti-corruption system. Performance evaluation criteria must be adopted by concerned government agencies for their numerous activities to enable the authorities concerned with performance appraisal to carry out their tasks.
- 3- Calling for supporting and ensuring the independency of anti-corruption agencies – BSA, **COI**, IGOs, and CBI AML Office – and building their capacity in the field of coordination and control of the National Anti-Corruption System.
- 4- Keeping the UN efforts for supporting Iraq's war against corruption, especially the joint program with UNDP and UNODC offices, aimed to provide the Iraqi agencies concerned with combating corruption with technical assistance and building their capacity. The following specialized recommendations should be taken into consideration in the upcoming stage.
- 5- Activating the CoR regulatory role.
- 6- Removing the existing overlapping with respect to the powers and jurisdictions entrusted to the local, regional and central authorities, and activating the legal regulations in regard to subjecting all government institutions' activities to competent federal regulatory authorities.
- 7- Calling for expedited enactment of an anti-corruption law and the regulations of the three regulatory bodies, in addition to setting up a joint anti-corruption council in keeping with the anti-corruption law, and establishing a national center for promotion of integrity and combating corruption.
- 8- Activating mechanisms of civil society participation in formulation, implementation and monitoring of anti-corruption policies.
- 9- Conducting a comprehensive and periodic assessment in regard to implementation of national anti-corruption policies and plans.
- 10- Calling upon the Joint Anti-Corruption Council (JACC) to play a consistent and permanent role in monitoring the implementation of anti-corruption policies, in association with CoR and CSOs.
- 11- Calling upon the **COI** to adopt a program for collection of all anti-corruption regulations and develop a mechanism for scheduled reviewing and evaluation of anti-corruption administrative procedures and legal instruments.
- 12- Complying with the recommendations of the UN 2008 report on the evaluation of how well Iraq responded to the UNCAC requirements, as well as the results of the in-depth self-assessment of the requirements needed for the UNCAC enforcement and subsequent recommendations.
- 13- Supporting the **COI** in the field of awareness and education to enable it to organize national forums and dialogue and awareness workshops.

- 14- Revising the curricula to raise anti-corruption awareness and improve the educational system as a whole.
- 15- Calling for providing **COI** with an additional staff specialized in all anti-corruption disciplines.
- 16- Providing the **COI** with necessary technical support for establishing a program and a consistent training plan aimed to expand training base so as to include prohibition and prevention, in addition to exchange of information and needed electronic programs and technical equipment.
- 17- Calling the **COI** to activate its role in helping other member states to UNCAC develop and implement specific anti-corruption measures, through the UN assistance.
- 18- Forming a working group to coordinate with the competent committee concerned with studying a new civil service bill in order to take into account the requirements provided for in Article 7 of UNCAC, while emphasizing on transparency and respect for the principle of equal opportunities. In addition, selection and appointment procedures must be based on the principles of qualification, efficiency and competition for appointed or elected officials.
- 19- Developing a list of the positions most susceptible to corruption and designing preventive measures regarding appointing respective employees, in keeping with Article 7 of UNCAC.
- 20- Urging the CoM to play its role stated in Civil Servant Salary Law no. 22 of 2008 with regard to increasing employees' pay in light of economic growth and inflation rates.
- 21- Different agencies must coordinate with National Center for Consultation and Management Development and other specialized centers with regard to training, awareness-raising and education plans, to ensure their dissemination at the national level.
- 22- Ensuring CSOs' active participation to enable them to play their role in promoting transparency and supporting different agencies in combating corruption and promoting transparency and accountability.
- 23- Setting up a unified national educational and awareness-raising mechanism to ensure that individual interests do not conflict with public services and to bring the law on conflict of interest in line with UNCAC provisions.
- 24- Drafting law(s) adopting the principle of transparency and control over funding political parties and electoral campaigns, as well as ensuring the right of the public and the media to have access to them and discuss them within a general framework that allows others to access available information.
- 25- Developing the legal framework of codes of conduct in conformity with the UN integrity and transparency standards in order to support the authorities concerned with holding violators of the code of conduct accountable, build their capacities and increase their effectiveness. In addition, a mechanism must be initiated to coordinate with those parties in regard to their enforcement of the standards of control and accountability through **COI's** support and in accordance with government policies and the strategic plan.
- 26- Activating **COI's** role in spreading awareness programs and public education for the employees and those concerned with the significant role played by the codes of conduct and professional literature in the prevention of corruption.
- 27- Developing a plan for supporting and training **COI** staff to start a financial disclosure system as a prelude for setting up a mechanism to issue periodic reports on the progress of the monitoring of the no-conflict of interest system at the national level.

- 28- Calling for adapting Iraqi laws to the UN international standards while benefiting from the experiences of other nations with respect to informer, witness, expert and victim protection programs.
- 29- Developing a law encouraging people to report corruption and cooperate with the judicial, investigative, and regulatory authorities, and providing real protection to witnesses, informants, victims and experts, while taking into consideration the need to facilitate and simplify procedures of informing by civil servants and of record keeping, and prevent possible overlapping and repetitions. Besides, more effective protection measures of informants' identity and their contacts must be applied, ensuring that the victims' views and concerns are taken into account, in the course of criminal proceedings.
- 30- Promoting awareness and public education programs aimed to change society's perception about informants and emphasizing the fundamental role they play in supporting anti-corruption efforts.
- 31- Concluding and activating bilateral and multilateral criminal cooperation agreements in the field of combating corruption, and cooperating with the UN for setting a national mechanism to comply with international standards.
- 32- Supporting Iraq's efforts towards benefitting from Stolen Assets Recovery (STAR) initiative – launched by WB in cooperation with UNODC and acceded to by Iraq early 2009 – for recovering the stolen money smuggled abroad.

Sixth: NACS Development

Pursuant to Article 5/1 of UNCAC, NACS has been prepared as follows:

► Vision

Building a fair and transparent society whose affairs are managed by a well- judged and effective administrative body capable of keeping up with the ongoing changes, ensuring proper management of the available resources, and providing quality services to citizens.

► Mission

Involving legislative, executive and judicial institutions, as well as CSOs and the media in the NACS implementation through treatment, prevention and deterrence actions.

► Goal

Protecting citizens' rights, providing better services, ensuring luxury and comfort, and preventing public money from waste and loss by using it in endorsed plans.

► NACS

NACS depends on diagnosing the negative phenomena; identifying its causes clearly and accurately; determining whether these phenomena are due to corruption, underperformance, or poor systems; developing appropriate programs and measures to address them using information and communication management technology and good governance to facilitate the implementation of tasks and exploitation of available resources in keeping with standards of economic efficiency and effectiveness; activating the role of agencies involved in combating corruption, particularly in the area of accountability, prevention and deterrence; and identifying their respective roles and their accomplishment timeframes.

Implementation Mechanisms of UNCAC and NACS

NACS will only be effective when it is implemented properly and effectively, being the starting point for a promising future. Therefore, the following major themes have to be identified to facilitate proper implementation:

- Setting a duty distribution framework needed for implementing the action plans and ensuring effective institutional organization and coordination responsibilities;
- Identifying the implementation, control and evaluation mechanisms;
- Setting priorities;
- Setting an implementation timeframe and ensuring that plans are implemented within the specified time limits;
- Evaluating NACS implementation results periodically and updating NACS in light of the evaluation;
- Identifying the resources and requirements needed for implementation; and
- Setting effective and sustainable monitoring, review and disclosure tools.

NACS Pillars

- 1- Self-evaluation of work environment, including positive and negative phenomena and the legislative and institutional framework;
- 2- NACS goals;
- 3- NACS framework;
- 4- Distribution of roles among state institutions and CSOs to implement NACS; and
- 5- Implementation mechanisms of UNCAC and NACS.

The executive plan (201) identified necessary remedies for a major corruption phenomenon prevalent in the public sector and government institutions, and determined the authorities involved in their implementation and the parties responsible for implementation monitoring.

Seventh: NACS Implementation

In implementation of Article 6 of UNCAC, **COI** has been assigned to supervise the implementation of UNCAC and NACS in coordination with all social organizations.

Implementation pillars

- A- Periodic follow-up of IGOs' activities with regard to implementation of the plans designed to address the negative phenomena mentioned in NACS. Respective action can be summed up in the following two stages:
 - Determining the negative phenomena addressed by IGOs; and
 - Developing plans for tackling them.
- B- Awareness and education campaign: a national plan was adopted to raise awareness of the provisions of UNCAC and NACS, and show citizens' role in the fight against corruption. The plan targeted at least 100,000 people for a year and a half, at a cost of about US\$1 million paid by the UN. The implementation stage started in June 2010 and included workshops and seminars.

The plan pillars are as follows:

- Ministries' awareness plan implemented by respective IGOs;
- Governorate councils' awareness plan implemented by **COI** expert group; and
- CSOs' awareness plan implemented by CSOs.

In Continuation of COI's Efforts in this Respect, the Following Actions were taken Up to 2012:

1- Under UNCAC Implementation

- A- International peer assessment: In continuation of the **COI** efforts for completing Iraq's self-assessment in accordance with UNCAC terms and provisions, and as a result of the international draw made by the International Working Group concerned with activating the review mechanism, whereby Iraq was subjected to the comparative evaluation by two UNCAC member states – Jordan and Malaysia – in the second year of the first session (pursuant to Clause 14 of the terms of reference for activating the implementation mechanism), **COI**, in association with UNODC, embarked upon completion of the comparative evaluation for the UNCAC Chapter III (Criminalization and Law Enforcement) by Malaysia, and Chapter IV (International Cooperation) by Jordan, as follows:
- Submitting the answers to the above-mentioned chapters to UNODC which, in turn, handed them over to the representatives of Malaysia and Jordan
 - Holding a number of meetings with the representatives of Malaysia and Jordan on the sidelines of international conferences and through conference calls in coordination with the UNODC office representative
 - The representatives of the two countries later sent observations in response to Iraq's answers to UNODC office, which, in turn handed them over to the Iraqi side
 - **COI**, in coordination with HJC, CBI AML Office, and stakeholders, met all the demands included in the observations
 - A reports on the met requirements was delivered during a meeting held at the UN headquarters in Vienna between the Iraqi delegation, headed by the **COI** deputy-commissioner, the Iraqi expert group, and representatives of the two countries
- B- At the multilateral meeting held in Vienna on 27-29 August 2012, Iraq and Switzerland were chosen as the two member states assigned to evaluate Chapters III and IV respectively in respect of Canada under UNODC supervision. It was also agreed with UNODC that **COI** would be the focal point in regard to that subject and would form a new group of Iraqi experts to represent the Iraqi side for the purpose of peer evaluation process of Canada.
- C- This expert group was changed to be consistent with Article 21 of the review mechanism, as follows:
- 1- **COI** commissioner: Chairman;
 - 2- A representative from HJC which then suggested that it was unnecessary to nominate a representative so as to remain neutral in case of dispute over UNCAC implementation;
 - 3- CoR/PIC representative;

- 4- CoMSec representative;
- 5- BSA representative;
- 6- MoJ/SSC representative;
- 7- MoFA representative;
- 8- MoHESR representative, and MoE representative as a standby;
- 9- CBI/AML Director representative;
- 10- Two inspectors general;
- 11- **COI** Investigation DG;
- 12- **COI** Legal Affairs DG;
- 13- **COI** Extradition DG;
- 14- IACA DG; and
- 15- CSO representative as an observer.

D- Following are the guiding recommendations achieved by committees:

- Recommendation 19 on developing special criteria for identifying the positions most susceptible to corruption;
- Recommendation 23 on no-conflict of interests code;
- Recommendation 24 on endorsement of the principle of transparency and control over funding of political parties and electoral campaigns, and the right of having access to information;
- Recommendation 29 on drafting a law that encourages reporting corruption and cooperating with investigative, judicial and regulatory authorities, aimed to protect witnesses, informants, victims and experts;
- Recommendation 11, where a program for collecting anti-corruption legal texts has been prepared. The committee entrusted with implementing this recommendation is an outstanding committee, lasting as long as the enacted legislation remains in place;
- Recommendation 7, where an IGO law has been drafted and is currently examined by PIC; and
- Recommendation 14 concerned with revision of academic curricula. This task is in its final stage, and the following assignments have been accomplished:
 - * A comprehensive survey of the curricula incorporating the concepts of integrity and anti-corruption
 - * Preparing a reference guide containing a clause on training 100 educator trainers with the possibility of increasing the number up to 300, supervised by UNDP experts whose mission is to train teachers and instructors. The process is supervised by MoE IGO for a period of up to three years, and is expected to commence in April 2013. **COI** is taking due constitutional and legal measures to be presented to SSC and CoMSec for approval and onward referral to CoR for proper legislation

E- Cooperation with UNDP and UNODC with respect to attending conferences and arranging meetings to follow up and support the work of national committees resulting from joint cooperation with the UN offices in the context of implementing UNCAC and NACS, as follows:

- Meeting held in Jordan on 9-11 April 2012, on international cooperation and recovery of assets, under UNODC invitation;
- Meeting held in Jordan on 10-11 April 2012 on international cooperation and recovery of assets, under UNODC invitation;
- Final meeting of the committee supervising the curriculum on anti-corruption and integrity, held in Lebanon on 22-23 April 2012, under UNDP invitation;
- The third session of the conference of the UNCAC members states, held in Vienna on 18-22 June 2012, based on UNODC invitation;
- The third conference of the government group of the member states concerned with the open-ended international peer evaluation review, held in Vienna on 27-29 August 2012, at UNODC invitation;
- The sixth conference of the government group of the countries concerned with assets recovery, held in Vienna on 30-31 August 2012, at UNODC invitation;
- The joint meeting on reviewing the implementation mechanism of the UNCAC chapters III and IV, held in Vienna on 3-4 September 2012, at UNODC invitation;
- The Sixth Annual Conference and General Meeting of the International Association of Anti-Corruption Agencies, and a regional workshop on asset recovery, held on 1- 7 October 2012, at the invitation of the Malaysian Anti-Corruption Commission;
- The final accounts meeting of the national anti-corruption awareness campaign, held in Jordan on 10-11 October 2012, at UNDP invitation;
- The third session of the UNCAC review group, held in Vienna on 14-16 November 2012, at UNODC invitation;
- The first meeting of the signatories to the Agreement of the establishment of the International Anti-Corruption Academy as an international organization in Vienna, held on 29-30 November 2012;
- The regional workshop on capacity building and activating synergy for enhancing the integrity of the private sector, at the invitation of the Regional Project for Combating Corruption and Promoting Integrity in the Arab countries, held in Kuwait on 18-19 December 2012.

2- In the Context of Support, Training and Education

- A- Continued cooperation with UNDP and UNODC for organizing specialized workshops designed to support the Iraqi legislative system and inculcate and consolidated concepts and practices of integrity, transparency and accountability in the Iraqi society, as follows:
 - Scientific dialogue workshop, held in Jordan on 17-20 November 2012, on result analysis of the Iraq Knowledge Network Survey at UNDP invitation;

- Advanced workshop, held in Jordan on 10-14 March 2012, about the basics of scientific training and study of practical cases by investigators, and investigation cases about the principle procedures of criminal and financial investigation, at UNDP invitation.
- B- Agreement with UNDP and UNODC about organizing specialized training programs in the areas of asset recovery, extradition of criminals, methods of conducting financial investigations, under the following projects, at the IACA headquarters, supervised by specialized experts:
 - Project IRQX38 aimed to strengthen Iraqi government's capacity in international cooperation, asset recovery, extradition of criminals, and filing and managing lawsuits with local and foreign judicial authorities; and
 - Project IRQX39, aimed to train **COI** staff and other national investigation bodies in Iraq in the field of financial investigations.
- C- Publication of the activities and achievements regarding implementation of the UNCAC terms and provisions at the **COI** Al-Nahar newspaper and website, and in visual, audio and printed media, in addition to issuing booklets and brochures

3- NACS Implementation

The following activities were carried out in 2011 pursuant to Paragraph IV:

- A- Periodic follow-up of the IGOs' activities in respect of implementing the plans that address negative phenomena incorporated in NACS. In this regard, the actions can be summed up by the following four new stages:
 - Developing indicators for measuring the progress achieved with respect to addressing the negative phenomena;
 - Keeping a sustainable contact with IGOs for delivering the required reports on the implementation of the anti-negative phenomena plans in accordance with the forms prepared by the NACS implementation-supervising committee;
 - Preparing a follow-up report of accomplished work;
 - Evaluating NACS implementation.
- B- Awareness and education campaign
The awareness and education efforts exerted to promote UNCAC and NACS covered several parties. Many awareness and education workshop were organized, as follows:

Implementing Agency	Targeted Body	No. of Workshops	No. of Participants
COI represented in the committee supervising the NACS implementation, as well as Education and Public Relations Directorate	Governorate councils and local governments	28	1789

IGOs	Ministries and Bodies not Associated with a Ministry	623	27078
COI represented in the Relations with NGOs Directorate in Cooperation with CSOs	CSOs	87	2826
Total		738	31693

C- General Activities

- 1- Holding ten workshops on 'Digital System For Government Contracts', featuring general inspectors, Contracting Department officials, and Contracting Implementation managers in ministries and bodies not associated with a ministry, governorate councils, and representatives of the CoR Finance Committee;
- 2- Participation in two workshops organized by Arab Administrative Development Organization in collaboration with UNODC on implementation of anti-corruption strategies and asset recovery procedures under UNCAC;
- 3- Holding seven meetings with inspectors general on the implementation of the anti-negative phenomena plan in particular, and NACS in general, featuring representatives of CSOs and the private sector;
- 4- Forming a working group to conduct a specialized study on the subject 'Iraq on Corruption Perception Index in Transparency International reports: Highlights and Management), to be completed in the first half of 2013;
- 5- Preparing and regularly updating a database about the achievements of the NACS-implementing parties;
- 6- Compiling a brief report on NACS implementation since 2010 until the current year.

D- Follow-ups

- 1- Visits to a number of IGOs for coordination and cooperation regarding how to carry out works and prepare reports needed under the NACS implementation;
- 2- Performing the tasks required by the Central Finance Commission for auditing the financial statements concerned with funding the awareness campaign covering 36 IGOs, governorate councils, local governments, and CSOs;
- 3- Following up the implementation of anti-negative phenomena plans with 36 IGOs, and

providing them with suggested indices for measuring the progress made in regard to plans' implementation;

- 4- Communicating with **COI** Commissioner Office regarding the ordinary and electronic mail on NACS and other pertinent subjects on a daily basis; providing quick answers to all directives referred from the Commissioner Office; and presenting briefings, proposals, and other administrative day-to-day issues required by the NACS-supervising committee;
- 5- Cooperating with different **COI** directorate with regard to subjects related to NACS and UNCAC, particularly with the Legal Affairs Directorate, Relations with NGOs Directorate, and Investigation Directorate;
- 6- Communicating with representatives of the European Mission/Rule of Law Support Office for supporting **COI**'s capacity in the fight against corruption by providing expertise and benefiting from relevant successful international experiences;
- 7- Communicating with the various parties involved in NACS implementation;
- 8- Facilitating the coordination and cooperation mechanism between the NACS-supervising committee and IGOs;
- 9- Performing the tasks of the committees formed by the commissioner; and
- 10- Cooperating with the Education and Public Relations Directorate and Relations with NGOs Directorate to promote a culture of integrity and transparency and combat corruption through participating in a variety of TV and other media programs.