



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

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## Implementation Review Group

### Eleventh session

Vienna, 29 June 2020

## Draft report

### Addendum

## III. Review of implementation of the United Nations Convention against Corruption

### A. Drawing of lots

1. In its resolution 6/1, the Conference requested the Group to, inter alia, hold intersessional meetings open to all States parties, for the purpose of the drawing of lots in accordance with paragraph 19 of the terms of reference of the Mechanism and without prejudice to the right of a State party to request that the drawing of lots be repeated at the Group's subsequent intersessional meeting or regular session.

2. In accordance with Conference resolution 6/1, an intersessional meeting of the Group open to all States parties was held on Thursday, 25 June 2020. With regard to the second cycle of the Mechanism, lots were drawn for the selection of the reviewing States parties for the 35 States parties under review in the fifth year of the second cycle. In addition, lots were drawn to determine the reviewing States parties for the review of implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention by Tonga, which had acceded to the Convention after the last drawing of lots took place.<sup>1</sup> Niue and Chad were drawn as reviewing States parties for Tonga, with Samoa being drawn as a provisional reviewing State party from the same geographical region.

3. The selection of the reviewing States parties was carried out pursuant to paragraphs 19 and 20 of the terms of reference of the Mechanism. For each State party selected to be reviewed, one of the two reviewing States was selected from the same regional group, and the second reviewing State was selected from a pool of all States parties (see annex).<sup>2</sup>

4. Some States parties requested redraws for the first and second review cycles or deferred serving as reviewing States, in line with the terms of reference of the Mechanism. Those redraws were carried out during a resumed session of the intersessional meeting, held on 26 June 2020, and at the eleventh session of the Group.

<sup>1</sup> Tonga acceded to the Convention on 6 February 2020.

<sup>2</sup> The updated country pairings for the first and second cycles will be made available after the eleventh session of the Implementation Review Group on the website of the Implementation Review Mechanism.



## **B. Progress made in the conduct of country reviews**

5. A representative of the secretariat provided an update on progress made in the country reviews conducted under the first and second cycles. So far, 183 of the 185 States parties under review in the first cycle had submitted their responses to the self-assessment checklist, 175 direct dialogues (comprising 161 country visits and 14 joint meetings) had taken place, and 172 executive summaries had been finalized. In reference to the progress made with regard to the second cycle, the representative noted that 112 of the 185 States parties under review in that cycle had submitted their responses to the self-assessment checklist, 68 direct dialogues (comprising 63 country visits and five joint meetings) had taken place, and 42 executive summaries and 19 country review reports had been finalized. The finalization of several other executive summaries for both cycles was imminent.

6. A representative of the secretariat, *inter alia*, referred to the unprecedented measures taken by States parties in response to the COVID-19 pandemic and the impact that it had on country reviews under the Implementation Review Mechanism, primarily related to the need for postponement of scheduled country visits. He referred to the secretariat refocusing its efforts on the steps of the review process that could be carried out remotely, including the desk-based elements of country reviews. The secretariat was considering the possibility of conducting country visits virtually in accordance with the framework governing the different means of dialogue foreseen under the terms of reference of the Mechanism. The speaker also shared information on the planned online training sessions on the Mechanism for focal points and governmental experts.

7. Many speakers noted that the COVID-19 pandemic had affected the progress of the ongoing country reviews undertaken in the framework of the Mechanism. While underscoring the importance of concluding the second review cycle by June 2024, in accordance with Conference decision 8/1, some speakers stressed that the COVID-19 pandemic was causing significant delays in completing country reviews and that future reviews might not be completed in time. One speaker noted that a more flexible timeline might have to be applied, in particular, for the reviews of year five of the second cycle of the Mechanism, as many substantive experts were also engaged in the pandemic recovery efforts at the national level. Another speaker noted that despite the particular challenges that many countries were facing due to the complexity of chapters II and V of the Convention, as well as the ongoing pandemic, States should urgently step up efforts to finalize all country reviews as quickly and efficiently as possible.

8. Some speakers explained how the pandemic had not prevented them from undertaking desk-based tasks in preparation of their reviews, such as the preparation of the self-assessment checklists, or from providing written replies to the queries and comments received from reviewing experts.

9. In that regard, one speaker highlighted the steps that her country was undertaking to ensure that all complementary information that had been requested by the reviewing experts was made available so as to ensure that, once a country visit could be held, the process would be as efficient as possible. Another speaker reminded the Group of the importance of preparing a consolidated, comprehensive and coordinated response to the self-assessment checklist, which in turn facilitated the efficient conduct of the review.

10. One speaker highlighted the consultations undertaken by his Government with civil society in the framework of the country review during the pandemic. He noted that his Government had signed the transparency pledge in response to a call from the UNCAC Coalition and called on other States to sign that pledge. In this context, he referred to voluntary measures that could be taken by countries, such as publishing the country review schedules or the contact information of the review focal points. Another speaker highlighted that one of the positive measures of progress in relation

to the second cycle of implementation review was the high level of inclusion of external stakeholders.

11. One speaker noted that the Mechanism should continue to adhere strictly to its terms of reference and that its principles, such as impartiality, equality and non-interference in domestic affairs, be respected. In that respect, the speaker emphasized the intergovernmental nature of the Mechanism.

12. In order to monitor the progress of the second cycle of the Mechanism, one speaker urged the secretariat to continue to provide updates to States parties on the progress made in completing country reviews for the second cycle, as well as on the projected timeline for finishing this process. The speaker also suggested doing reporting at the level of individual reviews instead of aggregate numbers.

13. Several speakers commended the secretariat for initiatives taken to maintain and ensure business continuity in the face of the COVID-19 pandemic. To this end, innovative approaches that were being explored by the secretariat, such as the online training for focal points and governmental experts and the consideration of virtual country visits, were appreciated. Some speakers stressed the importance of in-person country visits as allowing for a more meaningful way to assess the implementation of the provisions of the Convention. One speaker noted how these two elements, that is, the secretariat-led training workshops and country visits, were each instrumental to the success of the Mechanism.

14. In reference to their States' reviews of implementation in the first and second review cycle, several speakers highlighted steps taken to align their national legal frameworks with the Convention and how country review reports had assisted in framing institutional legal reforms.

15. One speaker noted the global picture of anti-corruption efforts, which was emerging from the country reviews undertaken under the Mechanism. This would serve the international community during the preparatory process for the special session of the General Assembly against corruption, to be held in 2021. One speaker stressed the importance of the special session resulting in a balanced and results-based outcome document.

16. Some speakers highlighted the importance of addressing the technical assistance needs identified through the review process and noted that the needs should be the basis for identifying priority areas in anti-corruption technical assistance programming by the donor community in order to deliver effective programming across different thematic areas. In this regard, the assistance provided by UNODC to States in support of the implementation of the Convention was highlighted.

17. One speaker highlighted the importance of fast-tracking the implementation of the Convention as a whole, even if only chapters II (Preventive measures) and V (Asset recovery) were currently under review in the second review cycle. Speakers expressed appreciation to UNODC for its efforts to implement its mandates under the Mechanism. The Mechanism continued to play a critical role in promoting the effective implementation of the Convention and provided a platform to review progress made by States parties to date.

18. One speaker made reference to the Istanbul Declaration on Transparency in the Judicial Process of 2019 as a useful tool in relation to article 11 of the Convention. Another speaker noted that the pandemic had not diminished opportunities for corruption but, rather, caused the situation to worsen.

19. Several speakers expressed their appreciation for the secretariat's efforts to organize the virtual meeting of the Implementation Review Group so as to allow for progress to be made in the country reviews and the work of the Group. However, several speakers reported technical difficulties with the platform and noted that those difficulties made it difficult to ensure that the session met its objective of providing a forum to communicate and exchange views among participants. In this respect, it was

noted that the technical problems encountered should be addressed prior to scheduling future virtual meetings.

20. With regard to the items of a substantive nature which were postponed to the resumed session in September 2020, one speaker suggested that two speakers be allowed to register per item under discussion rather than per meeting, thereby allowing for the relevant substantive experts to participate more actively.

## Annex

## Mechanism for the Review of Implementation of the United Nations Convention against Corruption: country pairings for the fifth year of the second review cycle

In the fifth year of the second cycle, a total of 35 reviews will be conducted.

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
<b>Group of African States</b>	Niger	Seychelles	Guinea-Bissau [Nicaragua]
	Lesotho	Cabo Verde	Colombia
	Angola	Guinea	Maldives [Ecuador] [Kazakhstan] [Malawi]
	Gambia	Mauritania	Côte d'Ivoire
	Madagascar	Djibouti	United Republic of Tanzania
	Namibia	Uganda	France
	Tunisia	Rwanda	Ethiopia
	Rwanda	Morocco	Yemen
	Chad <sup>a</sup>	United Republic of Tanzania [Congo]	Tuvalu
	Equatorial Guinea <sup>a</sup>	Guinea-Bissau	Seychelles [Cuba]
<b>Group of Asia-Pacific States</b>	Bangladesh	Tajikistan	Comoros
	Uzbekistan	Maldives	Nigeria
	Qatar	State of Palestine	Guinea [Oman]
	India	Iran (Islamic Republic of)	Montenegro
	Kazakhstan	Philippines	South Sudan
	Singapore	Jordan	Morocco
	Lebanon	Cambodia	Mali
	Bhutan <sup>a</sup>	Bahrain	Iceland
	Japan <sup>a</sup>	Papua New Guinea	Republic of Korea
	Niue <sup>a</sup>	Lao People's Democratic Republic	Mauritania
	Samoa <sup>a</sup>	Mongolia	Papua New Guinea [Lesotho]
	Tonga <sup>a</sup>	Brunei Darussalam	Antigua and Barbuda
	Slovakia	Republic of Moldova	Mozambique
<b>Group of Eastern European States</b>	Bulgaria	Armenia	Norway
	Serbia	Latvia	Netherlands
	Ecuador	Honduras	Thailand

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
<b>Group of Latin American and Caribbean States</b>	El Salvador	Guyana	Malta
	Paraguay	Saint Lucia	Bahamas
	Belize <sup>a</sup>	Saint Lucia [Uruguay]	Marshall Islands
<b>Group of Western European and other States</b>	New Zealand <sup>a</sup>	Iceland	Solomon Islands
	Spain	Ireland	Chile
	Canada	United States of America	South Africa
	Switzerland	Sweden	Bangladesh
	Israel	Italy	Dominica
	Luxembourg	Denmark	United States of America

*Note:* States in square brackets were provisionally drawn as reviewers during the resumed intersessional meeting of the Implementation Review Group held on 26 June 2020 or during the eleventh session of the Group.

<sup>a</sup> State party that ratified the Convention after the sixth session of the Conference.