



# 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

## Report of the Implementation Review Group on its eleventh session, held in Vienna on 29 June 2020

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## **I. Introduction**

1. The Implementation Review Group was established by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 3/1, entitled “Review mechanism”, as an open-ended intergovernmental group of States parties to operate under its authority and report to it. The Group is to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention.

## **II. Organization of the session**

### **A. Opening of the session**

2. The Implementation Review Group of the United Nations Convention against Corruption held its eleventh session in Vienna on 29 June 2020, in a virtual format.

3. The Implementation Review Group held two meetings, which were chaired by Harib Saeed al-Amimi (United Arab Emirates), the President of the Conference at its eighth session

### **B. Adoption of the agenda and organization of work**

4. On 29 June, the Implementation Review Group adopted the following agenda:

1. Organizational matters:
  - (a) Opening of the session;
  - (b) Adoption of the agenda and organization of work.
2. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
3. Financial and budgetary matters.
4. State of implementation of the United Nations Convention against Corruption:
  - (a) Exchange of information, practices and experiences gained in the implementation of the Convention;
  - (b) Thematic discussion.
5. Technical assistance.
6. Other matters.
7. Provisional agenda for the twelfth session of the Implementation Review Group.
8. Adoption of the report of the Implementation Review Group on its eleventh session.

5. Following a recommendation of the extended Bureau of the Conference, agenda items 1, 2, 3, 6, 7 and 8 were discussed at this session.

## C. Attendance<sup>1</sup>

6. The following States parties to the Convention were represented at the session of the Implementation Review Group: Afghanistan, Angola, Argentina, Armenia, Austria, Azerbaijan, Bangladesh, Belgium, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Germany, Guatemala, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Oman, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Switzerland, Thailand, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam.

7. In accordance with rule 2 of Conference resolution 4/5, the Conference decided that intergovernmental organizations, Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations crime prevention and criminal justice programme network, specialized agencies and other organizations of the United Nations system may be invited to participate in the sessions of the Implementation Review Group.

8. The International Telecommunication Union, a specialized agency of the United Nations system, and the International Scientific and Professional Advisory Council, an institute of the United Nations crime prevention and criminal justice programme network, were represented by observers.

9. The following intergovernmental organizations were represented by observers: Central Asian Regional Information and Coordination Centre, Council of Europe, Economic Cooperation Organization, Cooperation Council for the Arab States of the Gulf, International Organization for Migration, Organization of American States, Permanent Court of Arbitration and Shanghai Cooperation Organization.

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

### A. Drawing of lots

10. 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.

11. 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>2</sup> Niue and Chad were drawn as

<sup>1</sup> The attendance as presented in this report is based on confirmed connections established on the virtual platform.

<sup>2</sup> Tonga acceded to the Convention on 6 February 2020.

reviewing States parties for Tonga, with Samoa being drawn as a provisional reviewing State party from the same geographical region.

12. 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>3</sup>

13. 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.

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

14. 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.

15. A representative of the secretariat, inter alia, referred to the unprecedented measures taken by States parties in response to the coronavirus disease (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.

16. 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.

17. Some speakers explained how the pandemic had not prevented them from undertaking desk-based tasks in preparation of their reviews, such as the preparation

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<sup>3</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.

of the self-assessment checklists, or from providing written replies to the queries and comments received from reviewing experts.

18. 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.

19. 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.

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

21. 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 reporting at the level of individual reviews instead of aggregate numbers.

22. 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. One speaker also stressed that the transparency of the country reviews, which was achieved through in-person country visits, the engagement of all relevant stakeholders and the publication of the finalized country review reports, was a crucial element of the Implementation Review Mechanism, ensuring the effective implementation of the Convention. Welcoming the measures taken to facilitate the country reviews during the health crisis, she added that it was important to maintain direct contact, in particular the in-person country visits. The secretariat was requested to provide more detailed information about the electronic processes envisaged to expedite the country reviews.

23. 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.

24. 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 a balanced and results-based outcome document of that special session.

25. 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 the United Nations Office on Drugs and Crime (UNODC) to States in support of the implementation of the Convention was highlighted.

26. 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.

27. 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.

28. 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.

29. 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.

#### **IV. Financial and budgetary matters**

30. A representative of the secretariat provided information on the expenditures incurred for the operation of the first and second cycles of the Implementation Review Mechanism as at 29 February 2020, on projected expenditures for the completion of the first cycle, and on projected expenditures for the operation of the second cycle. The representative also provided details on the resources received from both the regular budget of the United Nations and voluntary contributions.

31. With regard to regular budget resources, the representative highlighted the actual and possible implications of the liquidity crisis of the regular budget of the United Nations by negatively affecting its capacity to fill vacant regular budget posts and also by possibly hampering Conference Management Services from ensuring adequate interpretation during future meetings.

32. With respect to extrabudgetary expenditures, the representative informed the Group that \$9,770,000 and \$3,583,200 had been spent in support of operating, respectively, the first and the second cycles of the Mechanism as at 29 February 2020.

33. The representative also informed the Group that the extrabudgetary resource requirements of \$10,119,300 for the first cycle were fully covered by extrabudgetary contributions.

34. Expressing its appreciation for the voluntary contributions and in-kind contributions made by States to support the Mechanism, the representative drew attention to the extrabudgetary funding gap. The representative informed the Group that, taking into account pledges that UNODC had received since 1 March 2020, a

funding gap of \$1,387,000 needed to be closed in order to fully cover the financial requirements of the second cycle.

35. With regard to the COVID-19 pandemic, the representative of the secretariat stated that it was too early to assess its financial impact on the extrabudgetary resources of the Mechanism. Concluding its financial report, the representative reminded the Group that the key cost-saving measures continued to be applied.

36. In response to that report, several speakers expressed their satisfaction with the transparency and regularity of the secretariat's financial reporting, as well as its strong support to the Mechanism.

37. Some speakers listed their countries' past, recent and forthcoming voluntary contributions to the Mechanism and encouraged other States to make extrabudgetary contributions in order to ensure the sustainability of the Mechanism.

38. One speaker stated her country's support for the current mixed funding model, with parts of the support to and operation of the Mechanism funded from the regular budget of the United Nations and other parts from voluntary contributions, in line with Conference resolution 3/1 and the terms of reference of the Mechanism, expressed concern about the costs of operating the Mechanism, and asked the secretariat to provide more information about the financial impact of the COVID-19 pandemic as soon as sufficient information was available to draw conclusions.

## V. Other matters

39. One speaker noted that her Government attached importance to the results of the eighth session of the Conference and to the implementation of its resolutions. She highlighted that her State, as a co-sponsor of resolution 8/4, entitled "Safeguarding sport from corruption", had allocated the funds for its implementation, thereby allowing UNODC to launch a comprehensive thematic study in line with the resolution. The speaker informed the Group that States parties, relevant international organizations, sports federations, experts and members of academia were invited to participate in the development of the publication. In addition, the speaker reiterated the invitation of her Government to all States parties to participate in the International Youth Social Anti-Corruption Advertising Competition called "Together against corruption!", supported by UNODC and the Council of Europe. She highlighted that the competition had already been successfully co-organized by Brazil, the Russian Federation, India, China and South Africa (the BRICS countries) and the countries of the Commonwealth of Independent States in previous years, and in 2019 its events included an exhibition at the eighth session of the Conference. Young people aged 14–35 were invited to submit entries through the website of the project, entitled "anticorruption.life", which had been translated into all six official languages of the United Nations. The speaker thanked UNODC for publishing the information on the competition on its website and, on behalf of her Government, expressed the hope of seeing the active participation of the States parties in the initiative, which would contribute to the implementation of Conference resolution 5/5, entitled "Promotion of the contribution of young people and children in preventing corruption and fostering a culture of respect for the law and integrity".

40. A representative of the secretariat informed the Group of the recent publication entitled "Set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the United Nations Convention against Corruption". The non-binding recommendations contained in the publication, which had been endorsed by the Conference at its eighth session, summarized the findings and results of 169 completed country reviews of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention and provided a set of optional measures for States to strengthen their efforts in the fight against corruption.

## **VI. Provisional agenda for the twelfth session**

41. One speaker noted that, given the current circumstances relating to the ongoing health crisis, it was difficult to anticipate the format of the next session and suggested that the consideration of the provisional agenda for the twelfth session be delayed to one of the resumed sessions.

## **VII. Adoption of the report**

42. The Implementation Review Group adopted the report on its eleventh session on 15 July 2020, after the conclusion of the session, using the silence procedure.



## 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]<br>[Kazakhstan] [Malawi] |
|   | Gambia                          | Mauritania  | Côte d'Ivoire                               |
|   | Madagascar                      | Djibouti  | United Republic of Tanzania                 |
|   | Namibia                         | Uganda  | France                                      |
|   | Tunisia                         | Rwanda  | Ethiopia                                    |
|   | Rwanda                          | Morocco   | Yemen                                       |
| <b>Group of Asia-Pacific States</b>                 | Chad <sup>a</sup>               | United Republic of Tanzania<br>[Congo]                | Tuvalu                                      |
|   | Equatorial Guinea <sup>a</sup>  | Guinea-Bissau   | Seychelles [Cuba]                           |
|   | 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                                   |   |
| <b>Group of Eastern European States</b>             | Slovakia                        | Republic of Moldova                                   | Mozambique                                  |
|   | Bulgaria                        | Armenia   | Norway                                      |
|   | Serbia                          | Latvia  | Netherlands                                 |
| <b>Group of Latin American and Caribbean States</b> | Ecuador                         | Honduras  | Thailand                                    |
|   | El Salvador                     | Guyana  | Malta                                       |
|   | Paraguay                        | Saint Lucia   | Bahamas                                     |
|   | Belize <sup>a</sup>             | Saint Lucia [Uruguay]                                 | Marshall Islands                            |
|   | New Zealand <sup>a</sup>        | Iceland   | Solomon Islands                             |
|   | Spain                           | Ireland   | Chile                                       |

| <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 Western European and other States</b> | 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.