



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

Distr.: General  
3 December 2015

Original: English

## Report of the Conference of the States Parties to the United Nations Convention against Corruption on its sixth session, held in St. Petersburg, Russian Federation, from 2 to 6 November 2015

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\* Reissued for technical reasons on 7 April 2016.



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## **I. Resolutions adopted by the Conference of the States Parties to the United Nations Convention against Corruption**

1. At its sixth session, held in St. Petersburg, Russian Federation, from 2 to 6 November 2015, the Conference of the States Parties to the United Nations Convention against Corruption adopted the following resolutions:

### **Resolution 6/1**

#### **Continuation of the review of implementation of the United Nations Convention against Corruption**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Reaffirming* the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, and in particular the guiding principles and characteristics of the Mechanism, as enshrined in chapter II of the terms of reference,

*Reaffirming also* its resolution 3/1 of 13 November 2009, which constitutes the basic foundation document for the Implementation Review Mechanism and in which it decided, *inter alia*, to review during the second review cycle chapters II (Preventive measures) and V (Asset recovery) of the United Nations Convention against Corruption,<sup>1</sup>

*Recalling* its resolutions 4/1, 4/5 and 4/6 of 28 October 2011, in which it provided further guidance on the Mechanism and on the work of the Implementation Review Group, and its decision 5/1 of 29 November 2013, on preparations for the performance assessment of the Mechanism,

*Acknowledging* that a high number of States that were parties to the Convention at the start of the first review cycle have completed their country reviews and that several others are in the advanced stages of the process,<sup>2</sup>

*Noting* that in many States parties that acceded to the Convention after the start of the first review cycle, the review of implementation of chapters III and IV is still ongoing, while others have completed their country reviews,

*Emphasizing* the need to ensure that the Mechanism is effectively applied by all States parties,

*Noting with appreciation* the commitment of States parties to the country review process, and taking note of the information gathered through the review of implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention,

*Mindful* that, during the second review phase, each State party shall submit information on progress achieved in connection with the observations contained in

<sup>1</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>2</sup> As at the date of the adoption of the present resolution, 86 States that were parties to the Convention at the start of the first review cycle had completed their country reviews.

its previous country review reports and on whether technical assistance needed and requested in relation to its country review report has been provided,

*Recognizing* that the outcomes of the country review process should also be used to promote and facilitate technical cooperation between States parties in need of technical assistance and the providers of such assistance,

*Reaffirming* its endorsement of country-led and country-based, integrated and coordinated technical assistance programme delivery as an effective vehicle for furthering implementation of the Convention, pursuant to its resolution 3/4 of 13 November 2009,

*Recognizing* the need to facilitate the broadest possible participation of governmental experts from all States parties in the meetings of subsidiary bodies,

*Appreciating* the ongoing efforts by States parties still under review, their reviewing States parties and the Secretariat to expedite and complete the review of chapters III and IV of the Convention,

1. *Launches* the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, pursuant to paragraph 13 of the terms of reference of the Mechanism and consistent with Conference resolution 3/1;

2. *Requests* the Implementation Review Group to proceed, at the beginning of its seventh session, to the selection of reviewed and reviewing States parties for the second review cycle by the drawing of lots in accordance with paragraphs 14 and 19 of the terms of reference of the Implementation Review Mechanism;

3. *Calls upon* States parties still under review and their reviewing States parties to continue cooperating towards completing the review of implementation of chapters III and IV of the United Nations Convention against Corruption,<sup>1</sup> and requests the Secretariat to continue providing effective and timely assistance to them in this regard;

4. *Requests* the Secretariat, in consultation with States parties and under the guidance of the Implementation Review Group, to continue improving the comprehensive self-assessment checklist for the second cycle of the Implementation Review Mechanism, without prejudice to its comprehensiveness or the methodology applied during the first cycle, and without prejudice to the launch and commencement of the second cycle;

5. *Requests* the Implementation Review Group to 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 Implementation Review 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;

6. *Decides* that one fifth of the States parties shall be reviewed in each of the five years of the second review cycle;

7. *Also decides* that States acceding to the Convention after the sixth session of the Conference should complete the review of implementation of chapters III and IV of the Convention no later than two years after the deposit of

their instrument of accession, and should participate in the review of implementation of chapters II and V of the Convention during the final year of the second review cycle;

8. *Calls upon* the Secretariat to continue exploring and, where appropriate, enhancing synergies, in coordination and cooperation with the secretariats of other relevant multilateral mechanisms in the field of anti-corruption, in full accordance with paragraphs 5, 27 (c) and 31 of the terms of reference, paragraph 6 of the guidelines for governmental experts, and article 64 of the Convention, and to report to the Implementation Review Group on actions undertaken in this regard;

9. *Requests* the Secretariat to structure the provisional agendas of the Implementation Review Group and of other subsidiary bodies established by the Conference in such a way as to avoid the duplication of discussions, while respecting their mandates,<sup>3</sup> and to schedule meetings in five periods of five working days each during the period before the seventh session of the Conference, considering the possibility of scheduling meetings back to back when they are expected to be attended by the same governmental experts;

10. *Requests* the Implementation Review Group to consider adopting a multi-year workplan to continue its analytical work during the period 2016-2019, designating the information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of one of the four chapters II, III, IV and V of the Convention as the main topic for each session or reconvened session;

11. *Also requests* the Implementation Review Group to analyse the information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of the first review cycle, considering the thematic implementation report prepared in accordance with paragraph 35 of the terms of reference, and to submit a set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention to the Conference for its consideration and approval at its seventh session;

12. *Encourages* States parties to continue voluntarily sharing information on good practices, experiences and relevant measures taken after the completion of their country review reports, including information related to technical assistance, and to consider providing such information to the Secretariat for publication on its website;

13. *Calls upon* States parties to use the outcome of their country reviews to strengthen their anti-corruption framework, including through technical assistance, where requested;

14. *Encourages* States parties to develop or revise, where appropriate and in conformity with their national legal systems, national anti-corruption strategies and/or action plans addressing, inter alia, the needs identified during their country reviews, and to promote such strategies and/or action plans as a tool for country-led and country-based, integrated and coordinated technical assistance programming and delivery;

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<sup>3</sup> As contained in Conference resolutions 1/4, 3/1, 3/2 and 4/2.

15. *Invites* States parties under review and the Secretariat to jointly inform the local representatives of international, bilateral and multilateral technical assistance providers and donors, as well as relevant non-governmental organizations, where appropriate, about the technical assistance needs identified in the country review;

16. *Underscores* the importance of addressing the technical assistance priorities identified in the country reviews, and invites technical assistance providers to consider those priorities either for new technical assistance programmes or for incorporation into ongoing programmes;

17. *Requests* the Secretariat to further examine the shortfall identified in the note by the Secretariat on resource requirements for the functioning of the Mechanism,<sup>4</sup> to determine whether the shortfall can be addressed through cost-efficiencies or voluntary contributions and to take that shortfall into account when submitting the proposed programme budget for the biennium 2018-2019, in accordance with section VII of the terms of reference.

## **Resolution 6/2**

### **Facilitating international cooperation in asset recovery and the return of proceeds of crime**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Recalling* that the return of assets of illicit origin is a fundamental principle of the United Nations Convention against Corruption,<sup>5</sup> and bearing in mind that chapter V of that Convention is one of the chapters critical to the successful implementation of the Convention,

*Recalling also* article 51 of the Convention, obligating States parties to afford one another the widest measure of cooperation and assistance with regard to the return of assets,

*Reaffirming* the commitment of States parties and determined to give effect to the obligations set out in chapter V of the Convention to prevent, detect and deter the international transfer of proceeds of crime and to strengthen international cooperation in asset recovery,

*Reiterating* that corruption in all forms, including illicit enrichment, poses a serious challenge to the stability and security of States, undermines institutions, ethical values and justice and jeopardizes sustainable development and the rule of law,

*Acknowledging* the right of the requested State party, under article 57, paragraph 4, of the Convention, to deduct, where appropriate, unless States parties decide otherwise, reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property,

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<sup>4</sup> See annex I to the present report.

<sup>5</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

*Recalling* its resolution 1/4 of 14 December 2006, setting up the Open-ended Intergovernmental Working Group on Asset Recovery, and its resolution 2/3 of 1 February 2008, in which it reaffirmed the mandate of the Working Group, and taking note of the contributions of the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime, the International Centre for Asset Recovery and similar initiatives committed to improving the capacity of States to effectively implement the Convention and, in particular, the recommendations made as part of these initiatives to improve the process of asset recovery,

*Recalling also* its resolution 5/3 of 29 November 2013, on facilitating international cooperation in asset recovery, and restating the importance of the spontaneous sharing of information without prejudice to domestic law, the expeditious return of proceeds of crime consistent with article 57, paragraph 3, of the Convention and the establishment of practical guidelines to facilitate the recovery of assets,

*Recalling further* article 56 of the Convention, and encouraging each State party, without prejudice to its domestic law, to endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with the Convention to another State party without prior request, when it considers that the disclosure of such information might assist the receiving State party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State party under chapter V of the Convention,

*Recalling* the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,<sup>6</sup> in which Member States stated that they were striving to implement effective measures to detect, prevent and counter corruption, as well as the transfer abroad and laundering of assets derived from corruption, and to strengthen international cooperation and assistance to Member States to assist in the identification, freezing or seizure of such assets, as well as in their recovery and return, in accordance with chapter V of the Convention, and in that regard to continue discussing innovative modalities to improve mutual legal assistance in order to speed up asset recovery proceedings and render them more successful,

*Recalling also* the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,<sup>7</sup> in which the international community was encouraged to develop good practices on asset return,

*Noting with concern* the steady increase in funds of illicit origin flowing from developing countries in particular, and the danger that increase poses to the sustainable development, rule of law and security of nations,

*Welcoming* the cooperation and assistance that States parties have afforded requesting States in the recovery and return of proceeds of crime,

<sup>6</sup> Economic and Social Council resolution 2015/19, annex.

<sup>7</sup> General Assembly resolution 69/313, annex.

*Taking note with appreciation* of the Lausanne process initiative on practical guidelines for efficient asset recovery, developed by 30 States parties in close collaboration with the International Centre for Asset Recovery and with the support of the Stolen Asset Recovery Initiative, and aimed at developing effective and coordinated approaches to asset recovery for practitioners from requesting and requested States,

*Recognizing* that States continue to face challenges in the recovery of assets owing, inter alia, to differences in their legal systems, the limited implementation of mechanisms such as non-conviction-based confiscation, the complexity of multi-jurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States parties and difficulties in identifying and exposing the flow of proceeds of corruption,

*Noting* in particular that a large proportion of the proceeds of corruption, including those emanating from transnational bribery and other offences established under the Convention, are yet to be returned to the requesting States parties, their prior legitimate owners and victims of the crimes,

*Concerned* about the practical difficulties both requested and requesting States face in asset recovery,

*Recognizing* the common difficulties experienced by States parties in establishing a nexus between identified assets and the crime from which such assets are derived, and emphasizing the critical importance of effective domestic investigative efforts and international cooperation to overcome such difficulties,

*Noting with concern* that the huge cost of recovery of assets in some jurisdictions has made such recovery difficult and, accordingly, has led to the abandonment of some cases seeking the return of proceeds of crime to the countries of origin,

*Noting* the trend of the use of settlements and other alternative legal mechanisms by some States parties to conclude transnational corruption cases, and mindful that these new mechanisms, which have enhanced enforcement actions in some corruption cases worldwide, should be used in such a way that is mindful of the goals of the Convention to enhance the recovery of proceeds of crime and international cooperation among all affected States parties,

*Noting also* the growing practice of the use of settlements and other alternative legal mechanisms by States parties in concluding transnational bribery cases, and calling upon States parties to give due consideration to the involvement of the jurisdictions where the bribery schemes originated or where foreign officials were bribed,

*Calling for* urgent attention to the fact that a study by the Stolen Asset Recovery Initiative has indicated that, of the over 6.2 billion United States dollars realized so far through settlements worldwide, not more than 3 per cent has been returned to States whose officials were bribed and where corrupt transactions took place, which is a key aim of chapter V of the Convention,

*Encouraging* requested States parties to respond to requests for assistance, pursuant to article 46 of the Convention, in the absence of dual criminality,



1. *Urges* all States parties to cooperate to recover the proceeds of crime, as defined in the Convention, including embezzled public funds and stolen assets, to prevent and detect transfers of proceeds of crime, including off-the-books assets derived from corruption, at home and abroad, and to demonstrate strong commitment to ensuring the return or disposal of such assets, including their return to the countries of origin, in accordance with article 57 of the United Nations Convention against Corruption;<sup>8</sup>

2. *Also urges* States parties to ensure that procedures for international cooperation allow for the seizure and restraint of assets for a time period sufficient to preserve those assets in full, pending proceedings in another State, and to allow or expand cooperation in the enforcement of foreign confiscation judgements, including through awareness-raising for judicial authorities;

3. *Further urges* States parties, pursuant to chapters III and V of the Convention, to:

(a) Prevent, detect and deter in a more effective manner the international transfer of proceeds of crime and funds of illicit origin;

(b) Take measures, including measures to ensure compliance by financial and designated non-financial institutions, to identify, trace, seize, recover and return the proceeds of crime and funds of illicit origin;

4. *Calls upon* States parties to give particular and timely consideration to the execution of requests for mutual legal assistance in asset recovery;

5. *Encourages* States parties to consider, where appropriate and in accordance with national law, the possibility of referring to the draft Lausanne guidelines for the efficient recovery of stolen assets in their practice and to continue to exchange their practical experiences and consolidate them into a non-binding, step-by-step guide or asset recovery manual, in cooperation with interested States and providers of technical assistance, upon the request of the relevant interested parties;

6. *Directs* the Open-ended Intergovernmental Working Group on Asset Recovery to:

(a) Initiate the process of identifying best practices for identifying victims of corruption and the parameters for compensation;

(b) Initiate the process of identifying best practices and developing guidelines for proactive and timely sharing of information to enable States parties to take appropriate action, in accordance with article 56 of the Convention;

(c) Collect information, with the support of the Secretariat, regarding State parties' use of settlements and other alternative mechanisms and analyse the factors that influence the differences between the amounts realized in settlements and other alternative legal mechanisms and the amounts returned to affected States, with a view to considering the feasibility of developing guidelines to facilitate a more coordinated and transparent approach for cooperation among affected States parties and effective return;

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<sup>8</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

(d) Report its findings on each of these matters to the Conference of the States Parties at its next session, with the support of the Secretariat;

7. *Calls upon* Member States to consider waiving or reducing to the barest minimum reasonable expenses deducted when recovering assets, particularly when the requesting State is a developing country, bearing in mind that the return of illicitly acquired assets contributes to sustainable development;

8. *Encourages* States parties to enhance international cooperation and asset recovery by interpreting terms such as “proceeds of crime” and “victims of crime” in a manner consistent with the Convention;

9. *Urges* States parties that are using settlement and other alternative legal mechanisms to resolve corruption-related cases to work collaboratively with all relevant States parties to enhance international cooperation, information-sharing and recovery of proceeds of crime;

10. *Also urges* States parties that are using settlement and other alternative legal mechanisms to resolve corruption-related cases to proactively share information without prior request so as to engage all the States parties concerned early in the process, in accordance with article 46, paragraph 4, article 48, paragraph 1 (f), and article 56 of the Convention;

11. *Requests* the Secretariat, within existing resources, to assist the Working Group in the performance of its functions, including by providing interpretation services in the six official languages of the United Nations;

12. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

### **Resolution 6/3**

#### **Fostering effective asset recovery**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Bearing in mind* that the return of assets is one of the main objectives and a fundamental principle of the United Nations Convention against Corruption<sup>9</sup> and that the States parties to the Convention are obligated to afford one another the widest measure of cooperation and assistance in that regard,

*Recognizing* that those who engage in corrupt acts, whether natural or legal persons, consistent with the requirements of the Convention, should be held accountable and prosecuted by the competent authorities, and that all efforts should be made to conduct a financial investigation into assets illegally acquired by them and to recover such assets through domestic confiscation proceedings, international cooperation for purposes of confiscation or appropriate direct recovery measures,

*Concerned* about the difficulties that States parties face in asset recovery, taking into account the particular importance of the recovery of proceeds of crime

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<sup>9</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases can be difficult to prove,

*Encouraging* States parties to make full use of the asset recovery tools set forth in chapter V of the Convention, including mechanisms for the enforcement of foreign restraining and confiscation orders, as a means of significantly reducing expenses that a State party may normally incur in pursuing asset recovery,

*Calling upon* all States parties, in particular requesting and requested States, to cooperate to recover the proceeds of crime, as defined in the Convention and demonstrate strong commitment to ensuring the return or disposal of such proceeds in accordance with article 57 of the Convention,

*Noting with appreciation* the Lausanne process initiative on practical guidelines for efficient asset recovery, developed by 30 States parties in close collaboration with the International Centre for Asset Recovery and with the support of the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime, and aimed at providing effective and coordinated approaches to asset recovery for practitioners from requesting and requested States,

*Recognizing* that States parties continue to face challenges in recovering assets, owing in part to differences between legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with mutual legal assistance procedures in a requested State, including the ability to implement tools such as non-conviction-based confiscation and other administrative or civil procedures leading to confiscation, and difficulties in tracing the proceeds of corruption,

*Acknowledging* the vital importance of ensuring the independence and effectiveness of the authorities in requesting and requested States parties alike charged with investigating and prosecuting corruption-related cases and of recovering the proceeds of such crimes by several means, such as establishing the necessary legal framework and allocating the necessary resources, and noting the role that technical assistance can play in this regard,

*Noting* the responsibility of requesting and requested States parties to cooperate to ensure that a great proportion of the proceeds emanating from corruption are recovered, returned or otherwise disposed of in accordance with the relevant provisions of the Convention,

*Noting also* the particular challenges involved in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions, as well as their family members and close associates,

*Stressing* the critical importance of mobilizing political will for the effective implementation of chapter V of the Convention,

*Calling upon* all States parties, acting as both requested and requesting States, to continue to commit the political will to act together to recover the proceeds of crime, as defined in the Convention and to work together to overcome obstacles to effective asset recovery and return to requesting States parties, prior legitimate owners or the victims of the crime, in accordance with article 57 of the Convention,

*Recalling* the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,<sup>10</sup> in which Member States stated that they were striving to implement effective measures to detect, prevent and counter corruption, as well as the transfer abroad and laundering of assets derived from corruption, and to strengthen international cooperation and assistance to Member States to assist in the identification, freezing or seizure of such assets, as well as in their recovery and return, in accordance with the Convention against Corruption,

*Noting* the usefulness of States parties sharing information on practices in the management, use and disposal of frozen, seized and confiscated assets,

*Recalling* its resolution 1/4 of 14 December 2006, by which it established the Open-ended Intergovernmental Working Group on Asset Recovery, and the continued relevance of its resolutions 2/3 of 1 February 2008, 3/3 of 13 November 2009 and 4/4 of 28 October 2011, in which it decided that the Working Group should continue its work,

*Noting* the important role that civil society could play in asset recovery and return,

*Noting with appreciation* the development of good practices and lessons learned, as reflected in the reports of the Open-ended Intergovernmental Working Group on Asset Recovery, and the sharing of those good practices,

*Noting with appreciation also* the technical resources produced by the United Nations Office on Drugs and Crime, the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime, and the International Centre for Asset Recovery of the Basel Institute on Governance,

1. *Encourages* States parties, in a common effort, to apply lessons learned in all areas of asset recovery cooperation through, inter alia, establishing legal frameworks, strengthening domestic institutions and enhancing international cooperation, including through participation in international law enforcement networks, such as the asset recovery focal points under the United Nations Convention against Corruption,<sup>11</sup> the Global Focal Point Initiative, supported by the International Criminal Police Organization and the Stolen Asset Recovery Initiative, and the Camden Asset Recovery Inter-agency Network, and regional initiatives such as the Arab Forum on Asset Recovery, as appropriate;

2. *Stresses* the importance of sustained and enhanced political will and the commitment of all States parties, consistent with the Convention against Corruption, to criminalize and prosecute corruption offences and effectively cooperate to recover the proceeds derived from corruption offences;

3. *Encourages* States parties to remove barriers to asset recovery, including by simplifying legal procedures, while preventing their abuse, and also encourages States parties to limit, where appropriate, domestic legal immunities, in accordance with their legal systems and constitutional principles;

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<sup>10</sup> Economic and Social Council resolution 2015/19, annex.

<sup>11</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

4. *Also encourages* States parties to consider, where appropriate and in accordance with national law, the possibility of referring to the draft Lausanne guidelines for the efficient recovery of stolen assets in their practice and to continue to exchange their practical experiences and consolidate them into a non-binding, step-by-step guide or asset recovery manual, in cooperation with interested States and providers of technical assistance, upon the request of relevant interested parties;

5. *Calls upon* States parties to cooperate closely in the return and disposal of assets in accordance with article 57 of the Convention;

6. *Encourages* States parties to consider sustainable development in the use and management of recovered assets;

7. *Invites* States parties, in accordance with national legislation and policies, to collect and make public data on the volume of assets seized, confiscated and returned or disposed of by their jurisdictions;

8. *Urges* States parties, consistent with chapter V of the Convention, to ensure that they have adequate legal and institutional frameworks in place to prosecute corruption, to detect the illegal acquisition and transfer of assets derived from corruption, to request and provide international legal cooperation, including mutual legal assistance, to ensure that there are suitable mechanisms in place — conviction-based and, where appropriate, non-conviction-based — to recover through confiscation the identified proceeds of corruption, to enforce foreign conviction-based and non-conviction-based orders in accordance with the requirements of the Convention and to ensure that such frameworks are enforced, and encourages technical assistance in this regard;

9. *Also urges* States parties to establish or strengthen domestic mechanisms for intragovernmental coordination and intergovernmental cooperation and to ensure appropriate levels of information-sharing and coordination between competent authorities that have a role in efforts to prevent and prosecute corruption and in asset recovery, including, but not limited to, regulatory authorities, investigative authorities, financial intelligence units and prosecutorial authorities;

10. *Encourages* States parties to consider establishing effective financial disclosure systems for appropriate public officials, consistent with article 52, paragraph 5, of the Convention, and to consider taking such measures as may be necessary to permit their competent authorities to share that information, consistent with the requirements of domestic law, with other States parties;

11. *Also encourages* States parties to implement the necessary measures to enable them to obtain and share reliable information on beneficial ownership of companies, legal structures or other complex legal mechanisms, including trusts and holdings, misused to commit or conceal crimes of corruption or to hide and transfer proceeds, thus facilitating the investigation process and execution of requests;

12. *Further encourages* States parties to make widely available information on their legal frameworks and procedures, including those used in settlements and alternative legal mechanisms, in a practical guide or other format designed to facilitate use by other States, and to consider, where appropriate, the publication of that information in other languages;

13. *Encourages* States parties to consider making use of opportunities for cooperation through existing practitioner-based networks, such as the asset recovery focal points under the Convention, the Global Focal Point Initiative, supported by the International Criminal Police Organization (INTERPOL) and the Stolen Asset Recovery Initiative, and the Camden Asset Recovery Inter-agency Network, and information provided at the financial intelligence unit level, in the course of making requests for mutual legal assistance;

14. *Also encourages* States parties to designate providers of technical assistance and officials or governmental institutions, as appropriate, as technical experts in international cooperation and asset recovery, to assist their counterparts in effectively meeting requirements for mutual legal assistance without undue delay;

15. *Urges* States parties to ensure that procedures for international cooperation allow for the seizure and/or freezing of assets for a time period sufficient to preserve those assets in full, pending confiscation proceedings in another State, and to allow for or expand cooperation in the enforcement of foreign seizure and freezing orders and confiscation judgements, including through measures to permit recognition of non-conviction-based seizure and freezing orders and confiscation judgements, where possible;

16. *Encourages* States parties and the United Nations Office on Drugs and Crime to continue sharing experiences and building knowledge on the management, use and disposal of frozen, seized, confiscated and recovered assets, and to identify good practices as necessary, building upon existing resources that address the administration of seized and confiscated assets, including with a view to contributing to sustainable development;

17. *Notes* that, under article 57, paragraph 4, of the Convention, where appropriate and unless States parties decide otherwise, the requested State party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property, but urges States parties to consider waiving or reducing such expenses to the barest minimum;

18. *Requests* the Secretariat, within existing resources, to assist the Open-ended Intergovernmental Working Group on Asset Recovery in the performance of its functions, including by providing interpretation services in the six official languages of the United Nations;

19. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

#### **Resolution 6/4**

### **Enhancing the use of civil and administrative proceedings against corruption, including through international cooperation, in the framework of the United Nations Convention against Corruption**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Aware* that the United Nations Convention against Corruption<sup>12</sup> provides for the use of civil and administrative proceedings as means of fighting corruption and recovering assets, where appropriate and consistent with domestic legal systems,

*Bearing in mind* that international cooperation is one of the principal means for States parties to the Convention to provide each other with the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by the Convention,

*Recalling* article 43, paragraph 1, of the Convention, in which States parties are encouraged, where appropriate and consistent with their domestic legal system, to consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption,

*Recalling also* article 53 of the Convention, according to which each State party shall, in accordance with its domestic law, take such measures as may be necessary to permit another State party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with the Convention, to permit its courts to order those who have committed offences established in accordance with the Convention to pay compensation or damages to another State party that has been harmed by such offences and to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State party's claim as a legitimate owner of property acquired through the commission of an offence established in accordance with the Convention,

*Recalling further* that the Convention, in its article 26, indicates that, subject to the legal principles of the State party, the liability of legal persons may be criminal, civil or administrative and obliges States parties to ensure that legal persons held liable in accordance with that article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions,

*Recalling* article 46, paragraph 2, of the Convention, according to which mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 26 of the Convention in the requesting State party,

*Acknowledging* the crucial importance of technical assistance to building institutional and human capacity in States parties in order to facilitate the implementation of the provisions of the Convention through efficient international cooperation,

*Recalling* its resolutions 5/1 and 5/3 of 29 November 2013, in which it encouraged States parties to the Convention to afford one another, when feasible, international cooperation in civil and administrative proceedings for the detection of corruption offences and for the identification, freezing and confiscation of assets,

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<sup>12</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

and taking note with appreciation of the reports prepared by the Secretariat on the progress made in the implementation of those recommendations,<sup>13</sup>

*Welcoming* the conclusions and recommendations of the third open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna on 9 and 10 October 2014,<sup>14</sup> in which the meeting encouraged the national authorities of States parties to assist each other, as well as to engage in international cooperation, where appropriate and consistent with their domestic legal systems, in investigations of and proceedings in civil and administrative matters relating to corruption,

*Welcoming also* the conclusions and recommendations made by the Open-ended Intergovernmental Working Group on Asset Recovery at its meeting held in Vienna on 11 and 12 September 2014,<sup>15</sup> in which the Working Group observed that States parties, consistent with their domestic legal systems, may wish to consider allowing parallel criminal and civil proceedings or strengthening, as appropriate, the position of civil plaintiffs in criminal proceedings and encouraged States parties to consider providing one another free legal advice in civil proceedings or assisting each other in legal representation,

*Recalling* the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,<sup>16</sup> in which States expressed their intention to commit themselves to exploring ways of affording one another international cooperation in civil and administrative proceedings for confiscation purposes,

*Recognizing* that States parties continue to face challenges in recovering assets when making use of civil and administrative proceedings against corruption, including through international cooperation, owing in part to differences between legal systems, the complexity of multijurisdictional investigations and prosecutions, the limited implementation of effective domestic tools such as non-conviction-based forfeiture and other administrative or civil proceedings leading to confiscation, and the lack of familiarity with the mutual legal assistance proceedings of other States,

*Noting with appreciation* the ongoing efforts by regional organizations and forums to strengthen cooperation in combating corruption through the use of civil and administrative proceedings relating to corruption,

1. *Urges* Member States, where appropriate and consistent with their national legal systems, to provide each other with the widest possible assistance in investigations of and proceedings in civil and administrative matters relating to corruption offences, committed by natural or legal persons, including, if appropriate, through mutual legal assistance, for the detection of corruption offences, the identification, freezing and confiscation of assets, and the other purposes established in article 46, paragraph 3, of the United Nations Convention against Corruption;<sup>17</sup>

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<sup>13</sup> CAC/COSP/EG.1/2014/2 and CAC/COSP/EG.1/2015/2.

<sup>14</sup> Contained in CAC/COSP/EG.1/2014/3.

<sup>15</sup> Contained in CAC/COSP/WG.2/2014/4.

<sup>16</sup> Economic and Social Council resolution 2015/19, annex.

<sup>17</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.



2. *Calls upon* States parties, in accordance with their domestic law, to effectively implement article 53, subparagraph (a), of the Convention by taking the necessary measures to permit another State party to initiate civil action in their courts to establish title to or ownership of property acquired through the commission of corruption offences, committed by natural or legal persons;

3. *Also calls upon* States parties, in accordance with their domestic law, to effectively implement article 53, subparagraphs (b) and (c), of the Convention by taking the necessary measures to permit their courts to recognize another State party's civil claim for payment of compensation or damages caused by corruption offences and for ownership of confiscated property acquired through the commission of such offences, committed by natural or legal persons;

4. *Invites* States parties, when taking measures to effectively implement article 53 of the Convention, in accordance with domestic law, to consider allowing other States parties to act on behalf of their political subdivisions, constituent federal units, organs, agencies, instrumentalities or other entities;

5. *Welcomes* the conclusions and recommendations contained in the report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 11 and 12 September 2014,<sup>18</sup> and encourages States parties to consider, when feasible and consistent with their domestic legal system, providing free legal advice and legal representation to another State party that initiates civil actions or intervenes in criminal proceedings in their courts to establish payment of compensation or damages or to establish ownership of confiscated property acquired through the commission of corruption offences;

6. *Encourages* States parties, as may be necessary, to consider the possibility of concluding multilateral, regional or bilateral treaties, agreements or arrangements on civil and administrative matters relating to corruption, including international cooperation, in order to promote the legal basis for granting mutual legal assistance requests concerning natural or legal persons in a timely and effective manner;

7. *Invites* Member States to continue to provide to the Secretariat information on civil and administrative proceedings relating to corruption, when feasible and on a voluntary basis, in order to identify the scope of assistance that could be provided in relation to such proceedings, as well as to provide information about good practices and tools relevant to the implementation of article 53 of the Convention, and requests the Secretariat to continue collecting and disseminating such information by, inter alia, reporting to the Conference and its relevant subsidiary bodies, including by providing suggestions regarding technical assistance needs and mechanisms to provide such assistance, and developing a study to identify best practices and ways to facilitate cooperation on the matter, subject to the availability of resources;

8. *Calls upon* Member States to inform the Secretariat about designated officials or institutions appointed, where appropriate, as focal points in the matter of the use of civil and administrative proceedings against corruption, including for international cooperation, and requests the Secretariat to collect and make such

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<sup>18</sup> CAC/COSP/WG.2/2014/4.

information available to all States parties and to report on the matter to the Conference and its relevant subsidiary bodies;

9. *Invites* Member States to work with the Secretariat and other international anti-corruption organizations, donors, assistance providers and relevant civil society organizations, as appropriate, to promote bilateral, regional and international activities to strengthen the use of civil and administrative proceedings against corruption, including workshops for the exchange and dissemination of relevant experiences and good practices;

10. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

#### **Resolution 6/5**

### **St. Petersburg statement on promoting public-private partnership in the prevention of and fight against corruption**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Noting* that, while the implementation of the United Nations Convention against Corruption<sup>19</sup> is the responsibility of States parties, promoting integrity, transparency and accountability and preventing corruption are responsibilities to be shared by all sectors of society involved in the fight against corruption, as corruption not only affects Governments, but can also have a significant negative impact on the private sector and civil society by impeding economic growth, harming consumers and businesses, distorting competition and presenting serious health, safety, legal and social risks,

*Recognizing* that the private sector plays an important role, together with Governments and other stakeholders, including civil society, in the prevention of and fight against corruption, and highlighting the necessity of taking concrete steps towards strengthening public-private partnership in the anti-corruption field,

*Underlining* the necessity of increasing the efforts of States parties, in accordance with article 12 of the Convention, to prevent and fight against corruption involving the private sector,

*Recalling* its resolution 5/6 of 29 November 2013, entitled “Private sector”, and taking note with appreciation of the report of the Secretariat on its implementation,<sup>20</sup>

*Recalling also* its resolution 5/4 of 29 November 2013, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, in which it referred to the importance of private sector participation in the prevention of corruption,

*Taking into consideration* all relevant documents of the United Nations and other organizations that, inter alia, recognize that a culture of intolerance towards corruption will only be achieved if Governments work in partnership with

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<sup>19</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>20</sup> CAC/COSP/2015/9.

businesses and civil society, and welcoming the business community's initiatives to enhance collective anti-corruption actions and develop institutional arrangements to promote anti-corruption compliance in the private sector,

*Recalling* the impetus gained through relevant multi-stakeholder forums in which private sector entities committed to strengthening public-private partnership for combating corruption in business, to working towards the alignment of business principles with the fundamental values enshrined in the Convention against Corruption, to ensuring that anti-corruption policies and strategies include effective whistle-blower protection, due diligence in the selection of agents or intermediaries and the addressing of bribe payments and "facilitation payments", and to developing mechanisms to review companies' compliance with realigned business principles,

*Noting* the usefulness of sharing national experiences and good practices regarding public-private partnership in the implementation of the provisions of the Convention,

*Noting also* the positive experience in some countries of establishing official posts dedicated to advocating for the private sector with the Government (such as an ombudsperson),

*Noting further* the initiatives undertaken by States parties and the United Nations Office on Drugs and Crime to promote sustainable partnership with the private sector on countering corruption, including in close cooperation with other relevant organizations,

*Taking note with appreciation* of the publications prepared by the United Nations Office on Drugs and Crime pertaining to capacity-building in preventing and fighting against corruption involving the private sector,

*Emphasizing* the importance of exchanging views and methods on increasing anti-corruption efforts between representatives of the public and private sectors, including through relevant national, regional and international forums,

*Taking note* of the report on the international conference on public-private partnership in the fight against corruption, held in Moscow on 26 and 27 March 2015, which was co-organized by the Chamber of Commerce and Industry of the Russian Federation, the United Nations Office on Drugs and Crime and the International Anti-Corruption Academy,

1. *Reiterates* the importance of efforts by States parties to take, consistent with article 12 of the United Nations Convention against Corruption<sup>21</sup> and in accordance with the fundamental principles of their domestic law, measures to prevent corruption involving the private sector, and to these ends invites States parties to, inter alia, promote the development of codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions, the prevention of conflict of interest and the use of good commercial practices among businesses and in the contractual relations of businesses with the State;

2. *Calls upon* States parties to the Convention to take appropriate measures, within their means and in accordance with the fundamental principles of their

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<sup>21</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

domestic law, to promote the active participation of individuals and groups outside the public sector, such as the private sector and civil society, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;

3. *Invites* States parties to enhance cooperation between public authorities at the national, regional and local levels, where appropriate and consistent with their domestic legal systems, and the private sector on anti-corruption and to engage a wide range of private sector representatives in efforts to prevent corruption;

4. *Recommends* that States parties take comprehensive measures to prevent offences established in accordance with the Convention that have a negative impact on the business environment and society as a whole;

5. *Also recommends* that States parties promote transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities and measures to identify beneficial owners of funds, in line with article 12, paragraph 2 (c), and article 52, paragraph 2, of the Convention;

6. *Calls upon* States parties to support public-private partnership in order to strengthen the understanding of both public officials and private sector actors that bribery and solicitation are unacceptable;

7. *Invites* States parties to take measures as may be necessary to encourage, in accordance with their domestic law, the effective cooperation of the private sector with official investigations, in line with article 39 of the Convention, and recommends that States parties consider, in accordance with their domestic legal systems, establishing confidential complaint systems and effective witness and whistle-blower protection programmes and measures, consistent with articles 32 and 33 of the Convention;

8. *Calls upon* States parties, in accordance with the fundamental principles of their legal systems, to foster public-private partnership in the prevention of corruption by, inter alia, increasing dialogue and cooperation, developing initiatives to promote and implement appropriate public procurement reforms, addressing practices that generate vulnerability to corruption and promoting good practices and anti-corruption ethics and compliance programmes for private sector entities;

9. *Also calls upon* States parties to simplify administrative procedures, where appropriate, with a view to reducing opportunities for corruption;

10. *Encourages* States parties to share national experiences and good practices pertaining to partnership between the public and the private sectors in the prevention of and fight against corruption;

11. *Draws the attention* of States parties, in accordance with their domestic legislation, to the necessity of keeping the public informed about cases of corruption and the measures taken to sanction the perpetrators;

12. *Underlines* the importance of promoting public-private dialogue in order to facilitate the adoption by States parties, in accordance with domestic laws and regulations, of measures relating to the maintenance of books and records, financial statement disclosures and accounting and auditing standards to prohibit the acts

specified in article 12, paragraph 3, of the Convention carried out for the purpose of committing any of the offences established in accordance with the Convention;

13. *Calls upon* States parties to encourage representatives of the public and private sectors to provide their expertise and share their experience within the frameworks of standardized and tailor-made training and educational programmes aimed at the implementation of the provisions of the Convention and to actively participate in the development and introduction of such programmes;

14. *Encourages* States parties, with the assistance of the Secretariat and in collaboration with relevant regional and international organizations, where appropriate, to continue strengthening public-private partnership in the prevention of and fight against corruption by, inter alia, organizing or encouraging the organization by the private sector of opportunities for the exchange of relevant experience and good practices in this field;

15. *Takes note with appreciation* of the initiatives taken by the Secretariat to promote partnership with the private sector against corruption, in close cooperation with relevant international and regional organizations, and requests the Secretariat to continue to assist in promoting awareness of the principles of the Convention within the private sector;

16. *Invites* States parties and donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

#### **Resolution 6/6**

#### **Follow-up to the Marrakech declaration on the prevention of corruption**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Concerned* about the seriousness of the threats that corruption poses to the stability of societies by eroding the legitimacy and effectiveness of key public institutions and values of democracy and by jeopardizing sustainable development and the rule of law,

*Highlighting* the importance of the United Nations Convention against Corruption<sup>22</sup> and the prominence it has given to the prevention of corruption as part of a comprehensive approach to fighting corruption by having its entire chapter II devoted to measures to prevent corruption,

*Welcoming* the adoption of Transforming our world: the 2030 Agenda for Sustainable Development<sup>23</sup> and recalling that the Agenda addresses the need to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,

<sup>22</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>23</sup> General Assembly resolution 70/1.

*Taking note* of the St. Petersburg Declaration adopted by the International Association of Anti-Corruption Authorities at its eighth annual conference, held in St. Petersburg, Russian Federation, from 30 October to 1 November 2015,

*Acknowledging* that efficient, accessible, accountable and transparent public service delivery is one of the key components in building an anti-corruption environment in the public sector,

*Concerned* about the links between corruption and other forms of crime, in particular organized crime and economic crime,

*Stressing* that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights, and underlining that prevention measures should be strengthened at all levels,

*Recognizing* that, while the implementation of the Convention is the responsibility of States parties, the promotion of a culture of integrity, transparency and accountability and the prevention of corruption are responsibilities to be shared by all, and that those responsibilities include promoting the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in accordance with article 13 of the Convention,

*Underlining*, in view of the forthcoming review of the implementation of chapter II of the Convention during the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, the importance of building legislative and institutional frameworks and capacities consistent with the requirements of that chapter,

*Welcoming* the progress made by States parties and the Secretariat in the implementation of Conference resolutions 3/2 of 13 November 2009, 4/3 of 28 October 2011 and 5/4 of 29 November 2013 on the prevention of corruption, and underlining the need to maintain efforts in that regard,

*Acknowledging* the crucial importance of technical assistance, in particular to developing countries, in strengthening structural, institutional and human capacity and thereby facilitating implementation of the provisions of chapter II of the Convention,

*Welcoming* the work of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, in particular the substantive discussions in relation to the different provisions of chapter II, whose implementation is reviewed under the multi-year workplan for the period up to 2015, and the conclusions and recommendations adopted at the meetings of the Working Group held in Vienna from 8 to 10 September 2014 and from 31 August to 2 September 2015, and welcoming also the guidance material developed by the Secretariat, namely the *Resource Guide on Good Practices in the Protection of Reporting Persons* and *National Anti-corruption Strategies: a Practical Guide for Development and Implementation*,

1. *Encourages* States parties to promote universal adherence to the United Nations Convention against Corruption,<sup>24</sup> and urges all States that have not yet done so to consider ratifying or acceding to the Convention as soon as possible;
2. *Calls upon* States parties to continue and to reinforce the effective implementation of the preventive measures outlined in chapter II of the Convention and in the resolutions of the Conference of the States Parties;
3. *Recommends* that States parties should ensure that anti-corruption bodies have the necessary independence, in accordance with the fundamental principles of their legal systems, as well as the material resources and specialized staff to enable them to carry out their functions effectively and free from undue influence, in accordance with article 6, paragraph 2, of the Convention;
4. *Calls upon* States parties to take measures to enhance integrity, transparency, accountability and the rule of law in public administration, under the fundamental principles of their legal systems, including through the promotion of effective public service delivery and the establishment of measures and systems to facilitate the reporting of incidents that may be considered to constitute offences established in accordance with the Convention;
5. *Also calls upon* States parties to strengthen integrity across the entire criminal justice system, as called for in paragraph 5 (d) of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,<sup>25</sup> while bearing in mind the independence of the judiciary, and notes with appreciation the assistance provided by the Secretariat to States parties, upon request, in the integration of anti-corruption measures into institutions of the criminal justice system;
6. *Further calls upon* States parties to strengthen measures to prevent corruption in the public procurement process and the management of public finances, as well as to ensure adequate access to information and promote, as appropriate, the involvement of the private sector in the prevention of corruption;
7. *Recognizes* the importance of protecting integrity in sport by promoting good governance in sport and mitigating the risk of corruption that sport faces globally, requests the Secretariat to continue, in cooperation with relevant international organizations, partners and donors, to develop studies, training materials, guides and tools for Governments and sports organizations to enable them to further strengthen measures in this area, and acknowledges the work that has already been done by the United Nations Office on Drugs and Crime in this regard, in particular the development of studies and guides with the International Olympic Committee and the International Centre for Sport Security;
8. *Requests* States parties to promote training and education in the prevention of corruption at all levels of the public sector and to work with the private sector in this field, welcomes the achievements made under the Anti-Corruption Academic Initiative, asks the Secretariat to continue, in cooperation

<sup>24</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>25</sup> Economic and Social Council resolution 2015/19, annex.

with relevant partners, to develop comprehensive academic and other educational materials in the field of anti-corruption for universities and other institutions, and requests the Secretariat to continue its support to States parties in this field;

9. *Requests* the United Nations Office on Drugs and Crime to continue to provide and develop capacity-building initiatives, including new knowledge products and technical tools, upon request and subject to extrabudgetary resources, on measures to prevent corruption, to identify comparative good practices and to facilitate the exchange of expertise and lessons learned among States parties;

10. *Calls upon* States parties to use the Convention as a framework for the development of tailored anti-corruption safeguards, including in specific vulnerable areas, and requests the Secretariat to assist States parties in doing so, upon request and subject to the availability of extrabudgetary resources;

11. *Invites* Member States to identify and share with States parties and the Secretariat their good anti-corruption practices that address the promotion of transparency, competition and objective decision-making in public procurement systems, in accordance with article 9 of the Convention;

12. *Recognizes* the importance of including the prevention of corruption in the broader development agenda, including through the implementation of Goal 16 and other relevant goals of Transforming our world: the 2030 Agenda for Sustainable Development,<sup>26</sup> and through other initiatives aimed at strengthening the coordination and exchange of such information with development partners;

13. *Notes with appreciation* the achievements of the Open-ended Intergovernmental Working Group on the Prevention of Corruption in facilitating the sharing of information between States parties on their initiatives and good practices relating to the topics considered at the meetings of the Working Group held in Vienna from 8 to 10 September 2014 and from 31 August to 2 September 2015, and encourages States parties to continue to share with the Secretariat new and updated information and good practices on their implementation of chapter II of the Convention;

14. *Welcomes* the commitment made and efforts undertaken by States parties to provide information on good practices in preventing corruption that is gathered, systematized and disseminated by the Secretariat in the performance of its functions as an international observatory, requests States parties to continue sharing information, and requests the Secretariat, subject to the availability of extrabudgetary resources, to continue its work as an observatory, including by updating the thematic website of the Working Group with relevant information;

15. *Requests* the Secretariat to continue, in close cooperation with multilateral and bilateral assistance providers, to provide technical assistance to States parties, particularly developing countries, upon request and subject to extrabudgetary resources, with a view to advancing the implementation of chapter II of the Convention, including in the form of tailored assistance for participation in the review process for chapter II;

16. *Notes* that a large number of States parties have informed the Secretary-General of the designation of competent authorities that may assist other States

<sup>26</sup> General Assembly resolution 70/1.



parties in developing and implementing specific measures for the prevention of corruption, as required under article 6, paragraph 3, of the Convention, and calls upon States parties that have not yet done so to provide that information and to update existing information where needed;

17. *Underlines* the importance of providing the United Nations Office on Drugs and Crime with sufficient and adequate funding to be able to respond to the increasing demand for its services, and encourages Member States to make adequate voluntary contributions to the account referred to in article 62 of the Convention, operated within the United Nations Crime Prevention and Criminal Justice Fund,<sup>27</sup> for the provision to developing countries and countries with economies in transition of the technical assistance that they may require to improve their capacities to implement chapter II of the Convention;

18. *Requests* the Secretariat to report on the implementation of the present resolution to the Conference at its seventh session and to its relevant subsidiary bodies;

19. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

#### **Resolution 6/7**

### **Promoting the use of information and communications technologies for the implementation of the United Nations Convention against Corruption**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Recalling* article 1, subparagraph (a), of the United Nations Convention against Corruption,<sup>28</sup> which establishes as one of the main goals of the Convention the promotion and strengthening of measures to prevent and combat corruption more efficiently and effectively,

*Recalling also* that article 7, paragraph 4, of the Convention requires States parties, in accordance with the fundamental principles of their domestic law, to endeavour to adopt, maintain and strengthen systems that promote transparency,

*Acknowledging* the importance of implementing chapter II (Preventive measures) of the Convention, as stressed by the Conference in its resolution 4/3 of 28 October 2011, entitled “Marrakech declaration on the prevention of corruption”, and also acknowledging that the implementation of chapter II will be reviewed during the forthcoming second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, in accordance with Conference resolution 3/1 of 13 November 2009,

*Emphasizing* the importance of respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning

<sup>27</sup> See General Assembly resolution 58/4.

<sup>28</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

corruption, and stressing that these activities should be done in accordance with States parties' domestic law,

*Recalling* its resolution 5/4 of 29 November 2013, entitled "Follow-up to the Marrakech declaration on the prevention of corruption", and its resolution 5/5 of 29 November 2013, entitled "Promotion of the contribution of young people and children in preventing corruption and fostering a culture of respect for the law and integrity",

*Noting* the use of innovative information and communications technology measures by relevant stakeholders to collect and disseminate information about topics covered by the Convention,

*Recognizing* the significant worldwide growth of information and communications technologies in the course of the past decade, as presented by the International Telecommunication Union,<sup>29</sup> and the need to reduce the digital divide,

*Bearing in mind* the important role of e-government and the increasing use of information and communications technology tools by States parties in the conduct of public administration as a means to promote trust and confidence in Government,

*Recognizing* Sustainable Development Goal 16, which calls, inter alia, for ensuring public access to information, in accordance with national legislation and international agreements,

1. *Calls upon* States parties to continue developing and promoting the use of information and communications technologies in order to enhance the effective and efficient implementation of article 13 of the United Nations Convention against Corruption,<sup>30</sup> such as through the use of e-government mechanisms, online platforms, smartphone applications, mobile telephone-based reporting and social media;
2. *Recognizes* that States parties should take appropriate measures, within their means and in accordance with the fundamental principles of their domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;
3. *Recommends* that States parties consider utilizing online platforms to facilitate, where appropriate, consultation with the public on issues relating to the prevention of and fight against corruption, in accordance with article 13, paragraph 1 (a), of the Convention;
4. *Stresses* the importance of the implementation of article 13, paragraph 2, of the Convention and, to that effect, encourages States parties to establish accessible online mechanisms for providing information to the appropriate bodies, including anonymously, on any incidents that may constitute an offence established in accordance with the Convention and their domestic law;

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<sup>29</sup> See International Telecommunication Union, "ICT Facts and Figures: The World in 2015" (Geneva, 2015).

<sup>30</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

5. *Calls upon* States parties to make available online, including by considering the use of open data formats, as much government information as feasible, subject to relevant limitations in domestic law, in relation to the implementation of the Convention, in order to enable greater transparency, accountability and efficiency;

6. *Encourages* States parties to promote the implementation of article 9, paragraph 1, of the Convention by establishing, inter alia, online platforms for the distribution of information relating to public procurement and tenders as a way to prevent corruption, enhance transparency and ensure competition and objective criteria in procurement decision-making, in accordance with the fundamental principles of their legal systems;

7. *Invites* States parties, in accordance with the fundamental principles of their domestic law, to make information available, including, for example, the types of information set out in article 10, subparagraph (a), of the Convention, upon request by a member of the public, through online platforms subject only to such restrictions as are provided for by law, consistent with article 10 of the Convention;

8. *Reaffirms* that, in accordance with article 13, paragraph 1 (d), of the Convention, States parties should respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption, within their means and in accordance with their domestic law;

9. *Requests* that the relevant subsidiary bodies, during any upcoming meeting mandated by the Conference of the States Parties and pursuant to the present resolution, discuss promoting the use of information and communications technologies for the implementation of the Convention in order to facilitate public sector transparency and combat corruption and, accordingly, draw up a list of best practices, as appropriate, on how to enhance and promote such use;

10. *Encourages* States parties to periodically evaluate, within their means and in accordance with article 5, paragraph 3, of the Convention and the fundamental principles of their respective legal systems, their relevant legal instruments and administrative measures, with a view to promoting the freedom to seek, receive, publish and disseminate information concerning corruption, consistent with articles 10 and 13 of the Convention;

11. *Invites* the Secretariat, within its existing mandate and resources, to further explore the adoption of different information and communications technology tools, including the use of open data resources, in order to further disseminate information on the development of its functions, information on the tools and resources contained in the anti-corruption knowledge platform and public reports presented to the Conference of the States Parties and its subsidiary bodies;

12. *Welcomes* the work undertaken by the Open-ended Intergovernmental Working Group on the Prevention of Corruption at its meetings held in Vienna from 26 to 28 August 2013 and from 31 August to 2 September 2015<sup>31</sup> pertaining to articles 9, 10, 11, 13 and 14 of the Convention.

<sup>31</sup> See documents CAC/COSP/WG.4/2013/5 and CAC/COSP/WG.4/2015/4.

**Resolution 6/8****Prevention of corruption by promoting transparent, accountable and efficient public service delivery through the application of best practices and technological innovations**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Concerned* about the seriousness of the problems and threats posed by corruption to the stability and security of societies through its undermining of the institutions and values of democracy, ethical values and justice and its jeopardizing of sustainable development and the rule of law,

*Concerned also* about the negative impact of widespread corruption on the enjoyment of human rights, and recognizing that corruption constitutes one of the obstacles to the effective promotion and protection of human rights and fundamental freedoms,

*Convinced* that effective measures for the prevention of corruption promote good governance in all sectors, reinforce trust in public institutions, increase corporate social responsibility, in both the public and private sectors, and can lead to enhanced economic growth,

*Welcoming* the adoption of Transforming our world: the 2030 Agenda for Sustainable Development<sup>32</sup> and, in particular, targets 5 and 6 of Sustainable Development Goal 16, which are to substantially reduce corruption and bribery in all their forms and to develop effective, accountable and transparent institutions at all levels,

*Recalling* the United Nations Convention against Corruption,<sup>33</sup> and recognizing the prominence that the Convention gives to the prevention of corruption by devoting its entire chapter II to measures to prevent corruption in both the public and private sectors,

*Acknowledging* the need to facilitate the exchange of information among States parties on successful practices for preventing corruption,

*Recognizing* that, while the implementation of the Convention is the responsibility of States parties, promoting integrity, transparency and accountability and preventing corruption are responsibilities to be shared by all sectors of society and stakeholders involved in the fight against corruption, in accordance with articles 7 to 13 of the Convention,

*Bearing in mind* the importance of safeguarding integrity and encouraging the rejection of corruption in the public and private sectors,

*Acknowledging* that efficient, accessible, accountable and transparent public service delivery consistent with citizens' needs and feedback is one of the key components in building an anti-corruption environment in the public sector,

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<sup>32</sup> General Assembly resolution 70/1.

<sup>33</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

*Stressing* in that regard the important role of Governments in the effective use of information and communications technologies in their design of public policies and in the provision of public services responsive to national needs and priorities, including on the basis of a multi-stakeholder approach, to support national development efforts, as stipulated in General Assembly resolution 69/204 of 19 December 2014,

*Underlining* that the increased application of technological innovations and electronic services in public service delivery can play an important role in reducing corruption by promoting transparency and can improve the environment and tools necessary to foster public access to information on preventing and combating corruption,

*Welcoming* the important activities undertaken by United Nations entities, including the United Nations Office on Drugs and Crime, in promoting best practices in the field of transparent, accountable and efficient public service delivery,

1. *Notes with satisfaction* the anti-corruption efforts undertaken by States parties to ensure efficient, accountable and transparent public service delivery through the application of best practices and technological innovations;

2. *Calls upon* States parties to take measures, in accordance with the fundamental principles of their legal systems, to enhance programmes that meet the fundamental requirements of the United Nations Convention against Corruption<sup>34</sup> for the proper management of public affairs and public property, including integrity, transparency, and accountability in public administration, and to promote efficient public service delivery through such programmes;

3. *Encourages* States parties with relevant expertise in the application of technological innovations and electronic services to public service delivery to share their best practices, where applicable and upon request, and to transfer their knowledge to other States parties through appropriate bilateral, regional and multilateral channels of cooperation;

4. *Encourages* States parties to continue to promote those best practices for e-services in public service delivery that can lead to increasing trust in public institutions, and requests the Secretariat, subject to the availability of funding, to provide States parties with a compilation of best practices for e-services in public service delivery;

5. *Encourages* the relevant United Nations entities, including the United Nations Office on Drugs and Crime, to continue promoting and disseminating best practices in the field of public service delivery that are aimed, inter alia, at enhancing transparency in public administration with a view to contributing to the fight against corruption;

6. *Underlines* the important role of the United Nations Public Service Awards, as the most prominent international recognition of excellence in public service within the United Nations system, in identifying and promoting new innovations and concepts in public administration that minimize the risks for corruption, and encourages United Nations entities and other international

<sup>34</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

organizations to continue to promote and reward such initiatives and their replication;

7. *Encourages* the United Nations Office on Drugs and Crime and other relevant international and regional organizations and bilateral donors providing technical assistance and capacity-building efforts in the field of combating corruption to consider incorporating programmes on efficient, transparent and accountable public service delivery, including through the application of technological innovations, into their work programmes and to facilitate the exchange of best practices in the field among States parties;

8. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

#### **Resolution 6/9**

### **Strengthening the implementation of the United Nations Convention against Corruption in small island developing States**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Welcoming* the entry into force, on 14 December 2005, of the United Nations Convention against Corruption,<sup>35</sup>

*Highlighting* that the fight against corruption is a priority for the international community, including small island developing States,

*Recognizing* that small island developing States have specific contextual characteristics that require tailored technical assistance and affordable and sustainable anti-corruption reform,

*Taking note* of the conference communiqué of the Global Conference on Anti-Corruption Reform in Small Island States, held in Pointe aux Piments, Mauritius, from 17 to 21 August 2015, entitled the “Mauritius Communiqué”,<sup>36</sup> in which participants recommended that the concerns of small island developing States be reflected in a resolution to be adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its sixth session,

*Recalling* the SIDS Accelerated Modalities of Action (SAMOA) Pathway,<sup>37</sup> the outcome document of the third International Conference on Small Island Developing States, held in Apia from 1 to 4 September 2014, which is of significance to the Pacific island countries,

*Bearing in mind* the main purposes of the Convention, which include promoting and strengthening measures to prevent and combat corruption, promoting and facilitating international cooperation and technical assistance in the prevention of and the fight against corruption, including asset recovery, and promoting

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<sup>35</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>36</sup> CAC/COSP/2015/CRP.10.

<sup>37</sup> General Assembly resolution 69/15, annex.

integrity, accountability and proper management of public affairs and public property,

*Welcoming* the progress made by small island developing States in undertaking reform to give effect to chapters III and IV of the Convention, while recognizing that efforts must still be made to achieve their full and effective implementation,

*Recognizing* that small island developing States have the same legal obligations as all States parties to the Convention, despite generally having smaller administrative capacities and limited resources,

*Noting* that, in the Mauritius Communiqué, the participants called for, inter alia, the development and implementation of coordinated anti-corruption policies, the implementation of the recommendations made pursuant to the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, the prevention of corruption in the procurement process as a priority, and the sharing of expertise among small island developing States, including on legislative and institutional reform to implement the provisions of the Convention on criminalization, law enforcement and international cooperation,

*Recognizing* that effective national legal systems are essential to the prevention of and fight against corruption and that they must be brought into conformity with the provisions of the Convention,

1. *Urges* small island developing States that have not yet done so to ratify or accede to the United Nations Convention against Corruption;<sup>38</sup>

2. *Calls upon* States parties that are small island developing States to enhance their active participation in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and to undertake every effort to implement the recommendations arising from the reviews;

3. *Encourages* States parties and other interested donors, upon request, to support the implementation of anti-corruption reforms in small island developing States, including those priorities and reforms identified in the Mauritius Communiqué;<sup>39</sup>

4. *Encourages* States parties and other interested donors with relevant expertise applicable to the contexts of small island developing States, upon request, to share their best practices with small island developing States through existing and future bilateral, regional and international cooperation mechanisms;

5. *Encourages* States parties and other interested donors, upon request, to support the setting-up of a dedicated platform for anti-corruption reforms for small island developing States, in Mauritius, which would be developed and maintained by Mauritius for the purpose of research and the sharing of best practices specific to small island developing States;

<sup>38</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>39</sup> CAC/COSP/2015/CRP.10.

6. *Urges* States parties to support small island developing States in their efforts to implement and monitor Sustainable Development Goal 16 of Transforming our world: the 2030 Agenda for Sustainable Development;<sup>40</sup>

7. *Requests* the Secretariat to continue providing technical assistance, upon request, to support anti-corruption reform in small island developing States;

8. *Calls upon* States parties, including those with relevant expertise, to assist with the bilateral, regional and international provision of technical assistance to support anti-corruption reform in small island developing States, including those technical assistance needs identified through the Implementation Review Mechanism;

9. *Requests* the Secretariat to submit to the Conference of the States Parties a report on the progress made and the challenges encountered in the implementation of the present resolution;

10. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution.

#### **Resolution 6/10**

#### **Education and training in the context of anti-corruption**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Welcoming* the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”,<sup>41</sup> and highlighting its importance, inter alia, for the fight against corruption at the global level,

*Stressing* the importance of Sustainable Development Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and its targets, in particular those that make reference to corruption, notably targets 3, 4, 5 and 6,

*Noting* that corruption is highlighted in the Sustainable Development Agenda, in particular under Goal 16, as one of the factors that impedes inclusive and sustainable socioeconomic development and gives rise to violence, insecurity and injustice,

*Taking note with interest* of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, held in Addis Ababa from 13 to 16 July 2015, which was endorsed by the General Assembly in its resolution 69/313 of 27 July 2015 and in which Heads of State and Government and high representatives at the Conference reaffirmed the importance of freedom, human rights, national sovereignty, good governance, the rule of law, peace and security, combating corruption at all levels and in all its forms and effective, accountable and inclusive democratic institutions at the subnational, national and international levels

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<sup>40</sup> General Assembly resolution 70/1.

<sup>41</sup> Ibid.



as central to enabling the effective, efficient and transparent mobilization and use of resources,

*Welcoming* the action-oriented Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,<sup>42</sup> adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha from 12 to 19 April 2015, which can help to further strengthen collective efforts on crime prevention and criminal justice, promote the rule of law and contribute to sustainable development,

*Reiterating* that the United Nations Convention against Corruption<sup>43</sup> provides a comprehensive framework for concerted action by States parties to prevent and combat corruption at the national level and to cooperate at the international level, and recognizing that technical assistance should be provided, upon request, to States parties to enable them to implement all the measures against corruption,

*Recalling* article 13, paragraph 1 (c), and article 60 of the Convention against Corruption, which encourage States parties, inter alia, to undertake public information activities against corruption, as well as public education programmes, including school and university curricula, with a view to promoting prevention, and recognizing that education, information campaigns, training and technical assistance are essential for combating corruption,

*Recalling also* its resolution 4/3 of 28 October 2011, entitled “Marrakech declaration on the prevention of corruption”, in which it called upon States parties, consistent with the fundamental principles of their education and legal systems, to promote, at various levels of the education system, education programmes that instil concepts and principles of integrity and accountability,

*Recalling further* its resolution 5/5 of 29 November 2013, entitled “Promotion of the contribution of young people and children in preventing corruption and fostering a culture of respect for the law and integrity”,

*Recalling* its resolution 3/4 of 13 November 2009, entitled “Technical assistance to implement the United Nations Convention against Corruption”, in particular paragraph 8, in which it encouraged national, regional and international donors to accord high priority to technical assistance in order to ensure effective implementation of the Convention in a sustainable and coordinated manner,

*Recalling* Human Rights Council resolution 29/11 of 2 July 2015, entitled “The negative impact of corruption on the enjoyment of human rights”, in which the Council recognized that the negative impact of corruption on human rights and sustainable development could be combated through anti-corruption education and noted with appreciation the capacity-building activities and specialized curricula developed by relevant institutions,

*Recognizing* the power of education, which acts as a catalyst for eradicating poverty in all its forms and dimensions and creating inclusive and sustainable socioeconomic development, greater equality and equity and fair and just societies,

<sup>42</sup> Economic and Social Council resolution 2015/19, annex.

<sup>43</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

and also recognizing the need to develop education and information programmes in order to promote a culture of transparency and accountability at all levels of society,

*Noting with appreciation* specialized academic initiatives aimed at encouraging academic research and exchange and the development and availability of comprehensive anti-corruption academic materials for universities and other academic institutions, and welcoming the Anti-Corruption Academic Initiative, coordinated and supported by the United Nations Office on Drugs and Crime,

1. *Recognizes* that anti-corruption education helps to strengthen individual ethical decision-making, build a culture of transparency and of rejection of corruption at all levels of society and contribute to understanding, respect for and oversight of activities by public authorities;

2. *Requests* States parties to further strengthen their efforts to support anti-corruption education and raise public awareness of corruption and its negative impact on society through education programmes involving all relevant stakeholders;

3. *Recognizes* that investing in anti-corruption education and enhancing professional capacities are effective ways to contribute to achieving sustainable development, safeguarding human rights and strengthening the rule of law;

4. *Requests* States parties to promote and implement, in accordance with their national legislation, education and professional training on the prevention of corruption;

5. *Calls upon* States parties to effectively strengthen their national institutions, including, where appropriate, at the local level, to prevent and combat corruption, in accordance with national legislation, and to therefore consider enhancing the skills of anti-corruption practitioners through relevant training, capacity-building and technical assistance;

6. *Also calls upon* States parties to promote education and training on the prevention of corruption, within their means, welcomes efforts already undertaken by States parties in this context, including on education and training for young people incorporating a gender perspective, notes the achievements made under the Anti-Corruption Academic Initiative, and encourages all relevant stakeholders to continue their support to requesting States parties in this field;

7. *Invites* States parties to support training programmes for their anti-corruption practitioners and to consider, to the extent necessary, making use of the capacity-building activities developed by international organizations;

8. *Recognizes* that the negative impact of corruption on human rights and sustainable development can be combated through anti-corruption education, and notes with appreciation the capacity-building activities and specialized curricula developed by relevant institutions, such as the United Nations Office on Drugs and Crime, the International Anti-Corruption Academy, the United Nations Development Programme and the Arab Anti-Corruption and Integrity Network;

9. *Calls upon* States parties, to the extent possible and in coordination with each other as well as international and regional organizations, to provide training programmes and modern equipment to anti-corruption practitioners from all sectors of society, and in particular from developing countries, with a view to enhancing the

skills of such practitioners and overcoming current shortcomings in knowledge and practice in the field of anti-corruption;

10. *Requests* the United Nations Office on Drugs and Crime, as the secretariat of the Conference of the States Parties to the Convention, to continue to engage with other relevant international organizations, in addition to the United Nations crime prevention and criminal justice programme network, in further developing professional education programmes and capacity-building activities on preventing and combating corruption, inter alia, by encouraging all relevant initiatives and further enhancing and extending the Anti-Corruption Academic Initiative;

11. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

## **II. Introduction**

2. In its resolution 58/4, the General Assembly adopted the United Nations Convention against Corruption. The Convention entered into force on 14 December 2005. By article 63, paragraph 1, of the Convention, the Conference of the States Parties to the United Nations Convention against Corruption was established, to improve the capacity of and cooperation between States parties to achieve the objectives set forth in the Convention and to promote and review its implementation.

## **III. Organization of the session**

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

3. The Conference of the States Parties to the United Nations Convention against Corruption held a minute of silence in memory of the victims of the tragic accident involving an aircraft of the Russian Federation on 31 October 2015.

4. The outgoing President of the Conference made introductory remarks in which she highlighted the progress made since the fifth session of the Conference, including the increase in ratifications of and accessions to the Convention and in finalized country reviews under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. She encouraged States to implement the recommendations made pursuant to the reviews and referred to the synergies created with other international mechanisms. She made reference to the new item 7 of the provisional agenda, dedicated to cooperation with relevant international and regional organizations and mechanisms and non-governmental organizations. She also made reference to the expected outcomes of the Conference, including the launch and implementation of the second cycle of the Implementation Review Mechanism.

5. The Chief of Staff of the Executive Office of the President of the Russian Federation, Sergey Ivanov, transmitted a message to the Conference from the President of the Russian Federation. In that message, the President underscored the

universal character and unique legitimacy of the United Nations and the importance of equal partnership to counter global threats. In his own remarks, Mr. Ivanov highlighted the importance of the Convention for national and international anti-corruption efforts. The Russian Federation had completed its country review in 2012, and Mr. Ivanov underlined that the second cycle of the Mechanism should be launched by the Conference at its current session. He also highlighted various national and regional standards and approaches to the fight against corruption and the need to take them duly into account during the review process. He referred to several preventive measures aimed at, in particular, forging a strong partnership with the private sector in the fight against corruption, including an anti-corruption charter adopted by Russian businesses. He also underscored the importance of participation by civil society in the prevention and countering of corruption.

6. The Executive Director of the United Nations Office on Drugs and Crime (UNODC) transmitted a message to the Conference from the Secretary-General of the United Nations. In that message, the Secretary-General underlined the importance of the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, which provided a detailed blueprint for sustainable global development. The Executive Director, in his introductory remarks, noted the importance of Sustainable Development Goal 16, which included specific targets on, among other things, the rule of law, effective action against corruption and bribery, and asset recovery. The Convention had 177 States parties, and was the sole United Nations convention with a robust peer review mechanism. More than 120 executive summaries, 160 self-assessment checklists and close to 150 country visits and joint meetings had been completed. He stressed his expectation that the Conference would take important decisions on the Mechanism, the conclusion of and follow-up to the first review cycle and the implementation modalities of the second cycle. The Executive Director emphasized that UNODC stood ready to support States parties’ efforts to translate the conclusions of the Conference into action.

7. The President of the Conference underscored that the Conference was the most promising platform for international cooperation and dialogue in the area of anti-corruption. He noted the importance of launching the second cycle of the Mechanism in 2015. The President stressed the crucial role of a constructive dialogue between the private and public sectors in the fight against corruption and the importance of creating mechanisms to further develop that dialogue. The President welcomed the participation of non-governmental organizations and the media in the work of the Conference.

8. The representative of Indonesia, speaking on behalf of the Group of 77 and China, stressed that corruption was an obstacle to sustainable development. He welcomed the adoption of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, and Conference resolution 4/3, entitled “Marrakech declaration on the prevention of corruption”, and their strong anti-corruption messages. He underscored the benefits of the Implementation Review Mechanism and stressed the importance of adhering to its terms of reference. He supported the launching of the second cycle of the Mechanism,

encompassing the review of the chapters on preventive measures and asset recovery, and emphasized the need to ensure that the Mechanism was funded from the regular budget of the United Nations. He noted the crucial role of technical assistance in support of the implementation of the Convention. He called for greater efforts by all States parties in the implementation of the chapters on international cooperation and asset recovery and underscored the importance of cooperation in civil and administrative proceedings in that regard. The representative urged States parties to exercise political will and take concrete action to overcome barriers to asset recovery with a view to facilitating the quick recovery and return of stolen assets and to dismantling safe havens for the proceeds of corruption. He called upon States parties to avoid unilateral actions and sanctions that might weaken the international cooperation framework and their capabilities to fight corruption. He welcomed the offer of the Government of Austria to host the seventh session of the Conference in Vienna.

9. The representative of South Africa, speaking on behalf of the Group of African States, reaffirmed the unwavering commitment of the African States to fighting corruption and illicit financial flows. He welcomed the adoption of the 2030 Agenda for Sustainable Development, in particular its Goal 16. He emphasized that technical assistance was essential for the implementation of the Convention. He stressed the commitment of the Group of African States to the implementation of Conference resolution 3/1 and the importance of upholding all the established principles and characteristics of the Implementation Review Mechanism, particularly with regard to its intergovernmental character. The representative underscored the usefulness of launching the second cycle of the Mechanism and stated the Group's preference that the same self-assessment checklist used in the first cycle be used in the second cycle in order to allow Member States to fully review their compliance with the provisions of the Convention. He expressed serious concerns with regard to the absence of effective international cooperation and lack of information-sharing to ensure the recovery and return of stolen assets that had been diverted and illicitly transferred abroad, the lack of political will in requested States and the legal barriers enshrined in their legislation. He called upon States parties to provide the broadest possible cooperation and assistance to each other in that context.

10. The representative of the Republic of Korea, speaking on behalf of the Group of Asia-Pacific States, welcomed the adoption of the 2030 Agenda for Sustainable Development, in particular its Goal 16. In particular, he underscored the crucial role of the Implementation Review Mechanism in ensuring the capacity of and cooperation between States parties. He also welcomed the launching of the second review cycle. He noted the importance of providing coordinated technical assistance in the field of anti-corruption and the crucial role of UNODC in that regard. He welcomed further discussions on the topic of asset recovery and on the reduction of illicit financial flows.

11. The representative of Peru, speaking on behalf of the Group of Latin American and Caribbean States, emphasized the importance given by the countries of the region to cooperation in preventing, detecting and prosecuting corruption. He underscored the need to render asset recovery more effective and to improve capacities in the region in matters of prevention, criminalization and law enforcement. He reiterated the commitment of the Group of Latin American and

Caribbean States to the Implementation Review Mechanism and stressed the need for the Mechanism to have more stable and predictable funding to ensure its efficient, continued and impartial functioning. The representative also expressed his confidence that the second cycle of the Mechanism would entail the review of chapters II and V of the Convention, and underlined the importance of an adequate follow-up to the implementation of recommendations stemming from the first cycle. He highlighted the recent adoption of the 2030 Agenda for Sustainable Development, which included among the Sustainable Development Goals the target of substantially reducing corruption and bribery in all their forms.

12. The representative of the European Union welcomed the adoption of the 2030 Agenda for Sustainable Development, including its Goal 16, and the adoption of the Doha Declaration. The representative reported on the measures taken by the European Union to tackle corruption, as well as on its cooperation projects and its financial contributions to work by UNODC in the area of anti-corruption technical assistance. He emphasized that preventive action, criminalization and law enforcement, asset recovery and international cooperation were all essential elements in the fight against corruption. He noted the importance of strengthening transparency on financial flows and companies' beneficial ownership information. He stated that the second cycle of the Implementation Review Mechanism should be transparent, efficient, inclusive and cost-efficient and create further synergies with other anti-corruption review mechanisms. He highlighted the importance of the States parties reaching a consensus on the role of civil society in the second review cycle.

## **B. Election of officers**

13. At its 1st meeting, on 2 November 2015, the Conference elected by acclamation Alexander Kononov (Russian Federation) as its President.

14. At the same meeting, the following three Vice-Presidents and the Rapporteur were elected by acclamation:

<i>Vice-Presidents:</i>	Friedrich Däuble (Germany)
	Sadiq Marafi (Kuwait)
	Andrés Lamoliatte Vargas (Chile)
<i>Rapporteur:</i>	Kamal Arifi (Morocco)

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

15. At its 1st meeting, on 2 November 2015, the Conference adopted the following agenda for its sixth session:

1. Organizational matters:
  - (a) Opening of the sixth session of the Conference;
  - (b) Election of officers;
  - (c) Adoption of the agenda and organization of work;
  - (d) Participation of observers;

- (e) Adoption of the report of the bureau on credentials;
- (f) General discussion.
- 2. Review of the implementation of the United Nations Convention against Corruption.
- 3. Technical assistance.
- 4. Prevention.
- 5. Asset recovery.
- 6. International cooperation.
- 7. Implementation of article 63, paragraph 4 (c), of the Convention, including discussion on cooperation with relevant international and regional organizations and mechanisms and non-governmental organizations.
- 8. Other matters.
- 9. Provisional agenda for the seventh session.
- 10. Adoption of the report.

#### **D. Attendance**

16. The following States parties to the Convention were represented at the sixth session of the Conference: Afghanistan, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, South Sudan, Spain, Sri Lanka, State of Palestine, Sudan, Swaziland, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

17. The following States signatories to the Convention were represented by observers: Japan and Syrian Arab Republic.
18. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the session.
19. The following observer States were also represented: Andorra and Tonga.
20. The following Secretariat units, United Nations bodies, entities, 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 were represented by observers: Department of Economic and Social Affairs of the Secretariat, United Nations Global Compact, United Nations Development Programme (UNDP), Ethics Office of the Secretariat, secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Basel Institute on Governance, International Centre for Criminal Law Reform and Criminal Justice Policy, and World Bank.
21. The following intergovernmental organizations were represented by observers: Council of Europe, European Bank for Reconstruction and Development, European Public Law Organization, International Anti-Corruption Academy, International Criminal Police Organization (INTERPOL), Organization for Economic Cooperation and Development (OECD), Organization for Security and Cooperation in Europe (OSCE) and Regional Anti-Corruption Initiative for South-Eastern Europe.
22. The following non-governmental organizations having consultative status with the Economic and Social Council were represented: Academic Council on the United Nations System, American Bar Association, Center for International Human Rights of the Northwestern University School of Law, Environmental Investigation Agency, European Law Students' Association, HEDA Resource Centre, International Association of Judges, International Association "Znanie", International Foundation for Electoral Systems, Japan Federation of Bar Associations, Socialist International Women, Transparency International, Washington and Lee University, and World Society for the Protection of Animals.
23. In accordance with rule 17 of the rules of procedure for the Conference of the States Parties, the Secretariat circulated a list of relevant non-governmental organizations not having consultative status with the Economic and Social Council that had applied for observer status. Invitations were subsequently sent by the Secretariat to relevant non-governmental organizations.
24. The following other relevant non-governmental organizations were represented as observers: African Institute of Corporate Citizenship, Anti-Corruption Academy (Russian Federation), Anti-Corruption Centre for the Public Sector, Anti-Corruption Research and Education Centre, Association of Lawyers of Russia, Bangladesh Association for Social Advancement, Bulletin of Anti-Corruption Expert Review, Centre de recherche et d'action pour la paix, UNCAC Coalition, Global Organization of Parliamentarians against Corruption, Independent Service Delivery Monitoring Group, Institute of Economics, Management and Law, International Association of Anti-Corruption Authorities, Anti-Corruption Committee, Sodejstvie, Kituo Cha Sheria Legal Advice Centre, Libera: Associazioni Nomi e Numeri contro le Mafie, Libyan Transparency



Association, Mouvement pour la lutte contre l'injustice, National Anti-Corruption Committee (Russian Federation), National Institute for Research of Global Security, New Line Social Organization, Pakistan Community Peace Foundation, Partners-Jordan Centre for Civic Collaboration, RECAAD Cameroon, Save Visions Africa, Socio Legal Aid Research and Training Centre, U4 Anti-Corruption Resource Centre and WWF International.

## **E. Adoption of the report of the Bureau on credentials**

25. Rule 19 of the rules of procedure for the Conference provides that the bureau of any session shall examine the credentials of representatives and submit its report to the Conference. Rule 20 provides that, pending a decision of the bureau upon their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State party to whose admission another State party has made objection shall be seated provisionally with the same rights as other representatives of States parties until the bureau has reported and the Conference has taken its decision.

26. The Bureau reported to the Conference that it had examined the written communications received and informed that all of the 152 States parties represented at the sixth session were in compliance with the credentials requirements.

27. The Conference adopted the report of the Bureau on credentials at its 10th meeting, on 6 November 2015.

## **F. Documentation**

28. At its sixth session, the Conference had before it, in addition to the documents prepared by the Secretariat, papers containing proposals and contributions submitted by Governments. A list of documents and conference room papers is contained in annex II to the present report.

## **G. General discussion**

29. At its 1st to 3rd and 5th and 6th meetings, from 2 to 4 November 2015, the Conference of the States Parties considered agenda item 1 (f), entitled "General discussion". Alexander Konovalov (Russian Federation), in his capacity as President of the Conference, as well as Friedrich Däuble (Germany) and Sadiq Marafi (Kuwait), in their capacities as Vice-Presidents of the Conference, chaired the discussion.

30. Speakers stressed the transnational nature and the devastating effects of corruption on political, economic and social development and on democratic governance, the rule of law, equality and security.

31. Speakers welcomed the States parties that had recently ratified or acceded to the Convention. They considered the Conference and its subsidiary bodies as important forums for exchanging experiences, strengthening their shared commitment and reaching consensual decisions about the future. Several speakers welcomed the 2030 Agenda for Sustainable Development, especially Goal 16, and

noted that it provided a new impetus in the fight against corruption by linking anti-corruption efforts with the broader objectives of sustainable development. One speaker reported that his country planned to revise its national anti-corruption strategy in the light of the 2030 Agenda for Sustainable Development.

32. Speakers also made reference to a number of other international documents, including the Doha Declaration, which was seen as an important milestone in strengthening the rule of law, justice and equality, and to General Assembly resolution 69/327, entitled “Promoting inclusive and accountable public services for sustainable development”. Several speakers mentioned the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which provided a framework for financing development, and the Putrajaya Declaration: Zero Tolerance for Impunity, adopted at the sixteenth International Anti-Corruption Conference, held in Putrajaya, Malaysia, in September 2015.

33. Speakers concurred that all sectors of society had to work together for the fight against corruption to be successful. A number of speakers commended the participation of non-governmental organizations in the prevention of and fight against corruption. Several speakers noted their Governments’ collaboration with the private sector, including in the form of public-private partnerships, while others specifically referred to the need to protect entrepreneurs from extortion, fraud and corruption. Several speakers acknowledged the role of young people, academia, parliamentarians and the media in preventing and raising awareness of corruption. In that context, several speakers reported on legislative reforms to facilitate the participation of civil society in the fight against corruption.

34. A number of speakers reported on positive outcomes from undergoing the country reviews. They mentioned that it had enhanced inter-agency coordination, including through the development of implementation plans on coordinating the follow-up to the review recommendations at the national level. The review process had also created networks, maintained the momentum of the implementation of the Convention and produced a wealth of anti-corruption knowledge. Some speakers highlighted the usefulness of the non-mandatory elements of the reviews, such as country visits, and encouraged other States parties to make use of them with a view to identifying good practices, challenges and, where applicable, related technical assistance needs. Improvements to relevant data-collection systems were also mentioned as positive outcomes of the reviews.

35. Many speakers reported on the reforms that their countries had implemented pursuant to the country reviews, including the development of new anti-corruption strategies and action plans, the adoption of whistle-blower and witness protection legislation, the creation of new criminal offences and the establishment of criminal or administrative liability of legal persons for corruption offences.

36. Some countries had voluntarily conducted the self-assessment of chapters II and V, and others reported that they had already initiated reforms to comply with these chapters of the Convention in preparation for the second review cycle. Many speakers called for the launch of the second cycle by the Conference, and a number of speakers stressed that all provisions of chapters II and V should be reviewed during that cycle.

37. Different views were expressed by speakers on a number of issues relating to the second cycle. According to some speakers, the Implementation Review

Mechanism should not be changed during the second cycle, while others called for an evaluation of performance that would strengthen the Mechanism and take on board the lessons learned from the first cycle. While some speakers emphasized the intergovernmental nature of the Mechanism, others highlighted the importance of including all sectors of society in the review process. Some speakers underlined that the Mechanism should be funded by the regular budget of the United Nations; however, others recommended careful adjustments to ensure the efficient functioning of the Mechanism. Some speakers urged States parties to ensure that cost-saving measures would not compromise quality. Finally, some speakers called for further streamlining of the self-assessment checklist, while others considered that the self-assessment checklist should not be modified from that used in the first cycle, or emphasized that the streamlining of the checklist should not affect the quality and level of detail of the review process.

38. Many speakers highlighted the importance of technical assistance in supporting States' efforts to implement the Convention, including for the purposes of preparing for and conducting country reviews, as well as in ensuring the effective implementation of the recommendations emanating from the reviews. Country-led, integrated and coordinated approaches to technical assistance were welcomed. Many speakers noted with appreciation the assistance on the implementation of the Convention provided by UNODC, the Stolen Asset Recovery (StAR) Initiative and the UNDP-UNODC joint anti-corruption programme in the Pacific. Some speakers highlighted the benefits of regional and South-South cooperation and the sharing of experiences and lessons learned. Two speakers discussed their experience with bodies established jointly by national authorities and international organizations with the mandate to fight against corruption and impunity at the national level.

39. A number of speakers referred to the measures undertaken in their countries to prevent corruption, including adopting and implementing anti-corruption strategies and plans, often drafted as a follow-up to the reviews, and establishing anti-corruption bodies. Some speakers emphasized the importance of public administration reforms to strengthen the integrity, transparency and accountability of the civil service, to simplify administrative procedures, to introduce rules to prevent conflicts of interest and to provide for asset disclosure by public officials. Several speakers noted a number of important legislative reforms to prevent corruption, including in relation to laws on access to information and public procurement. Some speakers underlined that the development of training, education and communication programmes aimed at raising awareness of the risks associated with corruption was an effective way to build integrity. The use of modern, electronic, Internet-based technologies in areas such as asset disclosure, access to information, receiving and managing corruption complaints and ensuring the integrity of procurement was repeatedly outlined.

40. Ending impunity was considered as one of the most important aims of the fight against corruption. Some speakers reported on the establishment of specialized anti-corruption investigation authorities and on their experience in enforcing recently reformed provisions on bribery and new provisions on illicit enrichment. Some speakers mentioned that their countries had established non-conviction-based forfeiture or value-based confiscation, while others had adopted measures to allow for the suspension of the statute of limitations or the lifting of bank secrecy. One speaker reported on a successful experience with the creation of a bank account in

which illegally obtained funds could be anonymously deposited. A number of speakers referred to measures to protect whistle-blowers, to encourage the reporting of corruption incidents and to ensure appropriate follow-up to such reports. Further, some speakers referred to the adoption of legislation enabling the State to initiate civil action for the compensation of damages caused by corruption.

41. A number of speakers shared examples of successful prosecutions of high-level officials and the seizure and freezing of valuable assets belonging to such officials. Others provided statistics on their investigations into and prosecutions of corruption offences. Several speakers referred to ongoing measures strengthening the integrity and independence of investigators, prosecutors and the judiciary.

42. Some speakers shared experiences of successful asset recovery and extradition cases. However, a number of speakers voiced concern that the implementation of chapter V was still insufficient, and called upon all States parties to reduce barriers to asset recovery, such as high evidentiary standards and cumbersome procedures. Reference was made to the publication of country-specific asset recovery guides and the draft Lausanne guidelines for the efficient recovery of stolen assets. Some speakers pointed out the advantages of civil lawsuits in asset recovery cases. Speakers also made reference to the importance of mutual legal assistance and extradition proceedings and mentioned difficulties faced by their countries in achieving successful international cooperation.

43. Many speakers referred to the importance of sharing experiences, information and good practices, including through regional organizations, initiatives and networks. Regional bodies and forums also played an important role in building consensus and fostering strong political will in the fight against corruption. Examples mentioned included the Community of Latin American and Caribbean States and the Arab Forum on Asset Recovery. Regional implementation review mechanisms such as the Group of States against Corruption of the Council of Europe, the OECD Working Group on Bribery and the Financial Action Task Force-style regional bodies were mentioned. Further, speakers made reference to networks of anti-corruption practitioners for the sharing of operational case information, while others reported on regional cooperation based on the commonalities of specific countries, for example, among small island developing States. One speaker reported on a regional project to develop a methodology for measuring corruption. Another speaker mentioned that, in his region, all States parties had concluded their reviews in a timely fashion with the support of regional technical assistance.

44. A representative of the Department of Economic and Social Affairs underlined the dangers of corruption to social order, the economy and security, and stressed the importance of the 2030 Agenda for Sustainable Development. A representative of UNDP emphasized that Sustainable Development Goal 16 provided an explicit link to the development agenda and that the Implementation Review Mechanism was an entry point to technical assistance. He stressed that the full potential of the Convention could only be reached with the involvement of multiple stakeholders. A representative of the International Anti-Corruption Academy highlighted the importance of education and knowledge-sharing through the empowerment of professionals to create a culture of non-tolerance of corruption and to promote civil monitoring. A representative of the Global Organization of Parliamentarians against Corruption stressed the crucial role of parliamentarians in achieving accountability and transparency through effective anti-corruption mechanisms, including through

cooperation with Governments and civil society. He noted the adoption of the Yogyakarta declaration at the sixth Global Conference of Parliamentarians against Corruption, held in Yogyakarta, Indonesia, from 6 to 8 October 2015.

#### **IV. Review of the implementation of the United Nations Convention against Corruption and technical assistance**

45. At its 8th meeting, on 5 November 2015, the Conference of the States Parties considered agenda item 2, entitled “Review of the implementation of the United Nations Convention against Corruption”, and agenda item 3, entitled “Technical assistance”.

46. Sadiq Marafi (Kuwait), in his capacity as Vice-President of the Conference, chaired the discussion. In his introductory remarks, he recalled Conference resolution 3/1, which marked the historic adoption of the terms of reference of the Implementation Review Mechanism, and resolution 4/1, endorsing the work of the Implementation Review Group. He reiterated that the purpose of the Implementation Review Mechanism was to help States parties to identify and substantiate specific technical assistance needs and to promote and facilitate the provision of such assistance. He recalled decision 5/1, in which the Conference tasked the Group with collecting and discussing relevant information on the assessment of the performance of the Mechanism, following the completion of the first review cycle.

47. A panel discussion was held to facilitate the deliberations. Representatives of Indonesia and the Russian Federation, as well as the Secretariat and OECD, participated.

48. A representative of the Secretariat provided an update on the outcome and schedule of reviews, as well as a brief summary of the outcome of the resumed sixth session of the Implementation Review Group and the impact of the Implementation Review Mechanism. The representative also provided an overview of the key thematic findings on implementation emerging from the first review cycle, as presented in the thematic study published by UNODC in September 2015 entitled *State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation*, a summary of which had been circulated in document CAC/COSP/2015/5. The study contained an in-depth analysis of the thematic findings emerging from the 68 country reviews that had been completed at the time of the drafting of the study. The representative noted that the Mechanism had prompted an evolving process of legislative change in the majority of States parties to the Convention. Combating corruption was ranked among the highest governmental priorities in many States parties, and substantial resources were devoted to it. In some States, statutory amendments and structural changes had produced tangible results in terms of legislative and regulatory enforcement action, indictments and convictions, even in cases involving high-level public officials, as well as strong networks for international cooperation and transnational law enforcement. The Mechanism and the work of the Implementation Review Group had had a significant positive effect on States parties’ efforts to implement the Convention and arrive at common standards of evaluation. Nonetheless, a certain diversity in the interpretation of provisions of the Convention and recommendations had been identified in the

reviews in some areas, such as immunities for persons who self-reported the commission of offences (sometimes termed “effective regret” or “spontaneous confession” provisions). The representative also noted that those issues could benefit from further analysis during the Conference’s consideration of the assessment of the follow-up measures taken by States to the reviews of the first cycle and the structuring of the next review cycle.

49. The representative of OECD provided an overview of the monitoring mechanism that had been established under the auspices of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, with a view to ensuring its effective implementation. He focused on cross-cutting issues emerging from the reviews that were relevant to the implementation of article 16 of the Convention. He reported on challenges in implementation that were also addressed in *State of Implementation of the United Nations Convention against Corruption* (such as the definition of “public officials”, so-called “facilitation payments” and “effective regret” provisions, issues of bank secrecy and delays in international cooperation procedures).

50. The panellist from the Russian Federation shared his country’s experience of the review process and discussed issues that had been analysed in the context of implementing the review recommendations. He noted the unique nature of the Implementation Review Mechanism, given its global and inclusive nature and taking into account the diversity of legal systems. He reported on measures taken to strengthen institutional mechanisms, the development of new treaties and arrangements on international cooperation and his country’s practice of including references to the Convention in outgoing requests for international cooperation.

51. The panellist from Indonesia focused on the challenges and opportunities that his country faced in adopting the review recommendations. He noted the importance of involving relevant stakeholders in all phases of the review and acknowledged the Secretariat’s role in facilitating effective communication among States parties. The positive impact of the review process on States under review was noted, in particular by creating awareness and ownership by stakeholders. His country had taken steps toward legislative changes and capacity-building in response to the outcomes of the review.

52. Commenting on the panel discussion, speakers welcomed the quality of *State of Implementation of the United Nations Convention against Corruption* and its usefulness for the analysis of substantive issues, in particular challenges and good practices in implementation.

53. Speakers welcomed the increased and focused efforts to implement the Convention, including through legislative and institutional changes. They reported on their national implementation efforts, which were also considered to be a driving force for the success of the Implementation Review Mechanism, and provided updates on domestic reform measures taken in the course and as a result of the reviews, including concrete follow-up actions to address review recommendations and enhanced enforcement action. Speakers also highlighted the importance of holding broad consultations at the national level and the significant impact of the Mechanism in raising awareness of the Convention and the review process.

54. Several speakers reported on the benefits of undergoing the review process, including with respect to the exchange of ideas and experience among States and to

the identification of areas for policy reform and technical assistance needs. Discussing their experiences of undergoing review, some speakers noted the need for follow-up to the first cycle of reviews, in accordance with Conference decision 5/1, and to the technical assistance needs identified. Some speakers reported on the actions that had been taken to address the technical assistance needs identified during their country reviews. One speaker highlighted that his country had published the full review report and had organized a country visit as a result of its full confidence in the objectivity of the review process, which had led to a rigorous national self-assessment exercise.

55. Speakers welcomed the launch of the next cycle, which would commence operation with the drawing of lots at the seventh session of the Implementation Review Group. They welcomed practical proposals to continue to improve the effectiveness of the review process, including streamlining the self-assessment checklist by making reasonable adjustments to reduce its length, without reducing the number of the provisions under review, or considering the introduction of word limits for responses and supporting documentation, as well as extending the time frame of the second cycle, based on paragraph 47 of the terms of reference. Those steps could address delays in completing reviews and the overburdening of experts, practitioners and the Secretariat, and would involve the use of existing resources. Speakers welcomed further guidance by the Conference to improve the effectiveness of reviews and to take measures to ensure the efficient and productive operation of the Secretariat during the next review cycle, taking into account the need to ensure adequate and sustainable staffing and resources to fulfil its mandates. One speaker noted that targeted improvements could be made to enhance the analytical and guiding role of the Implementation Review Group, such as conducting the drawing of lots by the extended Bureau in an open and transparent manner. It was also noted that the Implementation Review Group or the Conference could be used as a forum for States parties to share lessons learned and provide updates on steps to implement observations made during the review in a more structured and systematic way.

56. A representative of the UNCAC Coalition highlighted the damage caused by corruption and the difficulties encountered by victims in seeking effective redress, despite the fact that most States parties had legislation to implement the relevant articles of the Convention.

57. A representative of Transparency International underscored the achievements of the Implementation Review Mechanism, in particular its comprehensive scope and global reach. The speaker suggested that the Conference should call upon States parties to prepare national action plans for following up on the observations emanating from the country reviews and finding ways of overcoming delays in the reviews, *inter alia*, through the provision of increased resources to the Secretariat.

58. A representative of the Secretariat provided an overview of the technical assistance provided by UNODC that was contained in document CAC/COSP/2015/2. To respond to an increasing number of requests for technical assistance at the global, regional and national levels, UNODC had leveraged its network of regional and national anti-corruption advisers, supported by UNODC headquarters, and sought to cooperate and coordinate with other technical assistance providers. Technical assistance provided included support for ratification, the development of action plans addressing recommendations emanating from the reviews, legislative drafting

assistance, capacity-building and supporting regional networks of anti-corruption agencies.

59. A representative of the Secretariat also provided an overview of the technical assistance needs identified through the Implementation Review Mechanism, as set out in document CAC/COSP/2015/4, and suggested that the Conference consider how technical assistance needs should be identified in the next cycle.

60. Speakers underlined the important role of the technical assistance provided by UNODC in support of anti-corruption efforts, and stressed the essential role of the Implementation Review Mechanism in identifying technical assistance needs. Speakers also praised the Mechanism for providing a valuable platform for peer-learning and the sharing of experiences.

61. Speakers emphasized that technical assistance should be country-led and country-based. Several speakers underlined the importance of coordination of technical assistance, in particular at the country level. Speakers encouraged the United Nations system to continue mainstreaming anti-corruption activities in the United Nations Development Assistance Framework.

62. Speakers noted the importance of bilateral and multilateral technical assistance. One speaker reported that her country had recently published a best practice guide on anti-corruption assistance delivery. The speaker underscored that technical assistance was most successful if delivered in partnership with national stakeholders and in a comprehensive manner.

63. The examples of technical assistance provided included supporting national and regional anti-corruption networks, developing technical guides on criminal justice and anti-corruption reform, enforcement and preventive mechanisms and efforts to increase transparency and bolster the role of civil society. Speakers considered that the Convention provided a useful framework for technical assistance delivery and encouraged UNODC to report regularly to donors and at the sessions of the Implementation Review Group on needs identified and on technical assistance delivery.

## **V. Prevention**

64. At its 4th meeting, on 3 November 2015, the Conference considered agenda item 4, entitled “Prevention”.

65. The discussion was chaired by Sadiq Marafi (Kuwait) and Friedrich Däuble (Germany), Vice-Presidents of the Conference. In his introductory remarks, Mr. Marafi recalled the importance of chapter II of the Convention, on the prevention of corruption. He underlined the efforts of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, which had addressed the topics of mandates of anti-corruption bodies, measures to promote transparency in the funding of political parties, measures to prevent money-laundering, public procurement and the management of public finances in its meetings in 2014 and 2015, in accordance with its multi-year workplan.

66. A representative of the Secretariat updated the Conference on progress made in the implementation of resolution 5/4, entitled “Follow-up to the Marrakech



declaration on the prevention of corruption”, and resolution 5/6, entitled “Private sector”. She provided information on the technical assistance initiatives of UNODC at the national, regional and global levels to support States parties in the prevention of corruption, including support for the development or revision of national anti-corruption strategies, capacity-building for anti-corruption bodies and other practitioners, the promotion of mechanisms to support asset declarations and prevent conflicts of interest, targeted legislative assistance, support for the strengthening of integrity in the justice sector and the promotion of anti-corruption education, including through the Anti-Corruption Academic Initiative. She announced the launch by UNODC of new knowledge tools on anti-corruption strategies and the protection of reporting persons and highlighted the support given by the Office to civil society and efforts to raise public awareness of corruption and promote the role of the private sector in preventing corruption.

67. Many speakers reported on their activities in relation to the implementation of resolution 5/4 and the prevention of corruption, including in relation to the work of anti-corruption bodies and the development and implementation of anti-corruption strategies and other measures aimed at increasing integrity, transparency and accountability in the public sector. In that regard, some speakers noted efforts to strengthen the integrity of the public sector through the digitization of public records, the standardization of data collection and the development and implementation of codes of conduct.

68. Some speakers emphasized the importance of anti-corruption awareness-raising and education, particularly among young people, in creating a culture of zero tolerance towards corruption and described measures to strengthen anti-corruption educational curricula and outreach measures, such as applications for smart phones and the use of social media.

69. Several speakers reported on the establishment or strengthening of measures of oversight and accountability, including through asset declaration and audit mechanisms, and other mechanisms to prevent illicit enrichment, money-laundering and corruption in public procurement. Speakers emphasized that measures taken to strengthen public participation and access to information, as well as the protection of whistle-blowers and reporting persons, were critical in that regard. Speakers also noted the connection between efforts to prevent corruption and the provision of mutual legal assistance and promotion of international cooperation.

70. The role of the private sector in preventing corruption was underlined, including in relation to measures to promote integrity in the private sector and the establishment of standards of corporate governance, audit standards and compliance measures. Several speakers emphasized the importance of undertaking proper corruption risk assessments to identify and manage corruption risks. One speaker described the development of “integrity pacts” with national authorities. Speakers stressed the importance of preventing corruption and promoting objectivity, transparency and competition in public procurement to effectively manage corruption risks, including through sharing information on debarred companies or using electronic procurement systems, and oversight of public works.

71. Speakers noted their support for the work of UNODC in the prevention of corruption, including in relation to the UNODC regional anti-corruption advisers and anti-corruption education. Some speakers called for the provision of stable and

secure funding to UNODC so that the Office could continue to provide technical assistance upon request. Some speakers requested technical assistance in strengthening measures to prevent corruption, including in relation to anti-corruption education, asset declaration systems and the prevention of money-laundering.

72. In addition, several speakers emphasized the impact of the Implementation Review Mechanism and its self-assessment process on the identification of achievements and recommendations to strengthen measures to prevent and counter corruption, and welcomed the forthcoming second cycle of the review process, during which the implementation of chapter II (Preventive measures), would be reviewed.

73. A representative of the Ethics Office discussed how the Office supported the adherence by United Nations staff members to established codes and standards of professional conduct, including the avoidance of conflicts of interest through the financial disclosure programme and the provision of confidential advice and guidance. A representative of the International Anti-Corruption Academy described the educational and training services provided to practitioners to prevent corruption in their communities.

74. A representative of the Institute for Global Financial Integrity addressed the issue of transparency of beneficial ownership of corporations, and encouraged States parties to collect information on such ownership and to make it available to law enforcement agencies upon request. A representative of Transparency International discussed the participation of civil society in the Conference and called for the recognition of grand corruption as a serious crime requiring specific laws and penalties. A representative of the UNCAC Coalition emphasized the need to follow up on the reports that formed part of the Implementation Review Mechanism and thereby strengthen future implementation of the Convention and achieve Sustainable Development Goal 16.

## **VI. Asset recovery and international cooperation**

75. At its 7th meeting, on 4 November 2015, the Conference considered agenda item 5, “Asset recovery”, and agenda item 6, “International cooperation”.

76. Alexander Konovalov (Russian Federation), in his capacity as President of the Conference, chaired the debate. In his introductory remarks, he recalled Conference resolution 5/3, entitled “Facilitating international cooperation in asset recovery”, Conference resolution 5/1, entitled “Enhancing the effectiveness of law enforcement cooperation in the detection of corruption offences in the framework of the United Nations Convention against Corruption”, and Conference resolution 4/2, entitled “Convening of open-ended intergovernmental expert meetings to enhance international cooperation”.

77. A representative of the Secretariat provided an update on the meetings of the Open-ended Intergovernmental Working Group on Asset Recovery held since the last session of the Conference. In addition, information was provided on the activities carried out to develop cumulative knowledge, build confidence between requesting and requested States and provide capacity-building and technical

assistance to States. The relevant information is contained in documents CAC/COSP/2015/3, CAC/COSP/WG.2/2015/4 and CAC/COSP/WG.2/2014/4 and conference room paper CAC/COSP/2015/CRP.6.

78. The representative also provided an update on the third and fourth open-ended intergovernmental expert meetings to enhance international cooperation under the United Nations Convention against Corruption (see CAC/COSP/EG.1/2014/3 and CAC/COSP/EG.1/2015/3) and introduced the note by the Secretariat on international cooperation in civil and administrative proceedings for the detection of offences established in accordance with the United Nations Convention against Corruption (CAC/COSP/EG.1/2015/2).

79. In the ensuing discussion, many speakers supported the launching of the second cycle of the Implementation Review Mechanism, expressing their expectation that it should provide an evaluation of the scope and efficiency of international asset recovery efforts, highlight remaining shortcomings and challenges and help countries to overcome practical difficulties both domestically and in their cooperation with each other.

80. Several speakers supported the activities of the Open-ended Intergovernmental Working Group on Asset Recovery and the open-ended intergovernmental expert meetings to enhance international cooperation under the United Nations Convention against Corruption. One speaker noted the importance of ensuring synergy between the open-ended intergovernmental expert meetings to enhance international cooperation under the Convention and the Working Group on International Cooperation under the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

81. Many speakers emphasized that asset recovery was a fundamental principle of the Convention and a crucial element in achieving sustainable development. One speaker highlighted the connection between asset recovery and human rights, indicating that the recovered proceeds of crime could be used to assist the countries of origin in complying with their human rights obligations.

82. Speakers referred to various obstacles to successful asset recovery, including differences in legal systems and the complexity of the process, lack of trust and political will, and the shortage of specialized technical knowledge in many countries. Speakers called for the elimination of safe havens for illicit funds and of obstacles posed to international cooperation by bank secrecy. One speaker stressed in that regard the importance of depoliticizing asset recovery and focusing instead on technical solutions.

83. Another speaker indicated that absconding offenders had been identified as one of the main challenges to successful asset recovery. He noted that sought persons frequently changed their nationality in order to avoid extradition, and underscored that the nationality held at the time of the commission of the offence should be the determining factor in extradition procedures.

84. Several speakers highlighted good practices that had helped their countries' authorities overcome some of the remaining obstacles encountered in their cooperation with foreign counterparts. Those speakers mentioned in particular the importance of enhancing the capacities of authorities and practitioners handling cases, being a member of various networks of asset recovery practitioners, posting

liaison officers in foreign jurisdictions, sharing information proactively, introducing non-conviction-based confiscation mechanisms, preparing mutual assistance and asset recovery guides and establishing financial intelligence units.

85. One speaker, while welcoming the efforts made to develop guidance for practitioners on asset recovery, raised the question of whether the time had come to consider adopting a separate protocol to the Convention to address some of the remaining barriers to asset recovery.

86. Several speakers underscored the benefits of cooperating in civil and administrative matters related to corruption. One speaker referred to the note by the Secretariat on international cooperation in civil and administrative proceedings for the detection of offences established in accordance with the Convention (CAC/COSP/EG.1/2015/2), and voiced his concern with regard to the necessity of clearly distinguishing between the scope of the measures available under article 46 of the Convention on the one hand, and the scope of article 43 on the other, with the understanding that the principal aim of chapter IV of the Convention was cooperation in criminal matters.

87. Some speakers reported on recent legal reforms to implement the requirements of the Convention, including the adoption of specific legislation on the freezing, seizure and confiscation of proceeds of crime, the enactment of new mutual legal assistance laws and the establishment of dedicated asset recovery offices. One speaker noted a significant increase in the number of Convention-based requests his country's competent authority had handled: 70 incoming requests for mutual legal assistance and 5 outgoing requests for extradition.

88. Several speakers commended the technical assistance provided by UNODC, in particular through the StAR Initiative, managed jointly with the World Bank, and emphasized the crucial importance of the availability of such assistance in the highly complex field of asset recovery.

89. Underscoring the importance given to asset recovery in the Addis Ababa Action Agenda, the representative of Ethiopia noted the work, led by UNODC with the support of Italy, of the expert group meeting on the management, use and disposal of frozen, seized and confiscated assets, held in Reggio Calabria, Italy, from 2 to 4 April 2014, and the work, led by the International Centre for Asset Recovery, of the international experts workshop on returning stolen assets held in Kusnacht, Switzerland, on 24 and 25 October 2013. He announced the intention of his Government to host, as a follow-up to the Third International Conference on Financing for Development, an international expert meeting to share experiences and identify good practices in the return and disposal of recovered assets and their use for the benefit of society.

90. A representative of the StAR Initiative reported on the progress made in the recovery of stolen assets and drew the attention of delegations to the significant challenges remaining and existing gaps in terms of framework and capacity. The speaker highlighted the key role of financial centres in proactively preventing, detecting and investigating the concealment of proceeds of corruption, as well as the importance of efforts made with regard to beneficial ownership transparency.

91. A representative of the UNCAC Coalition noted the importance of the principles of accountability and transparency, and expressed concern about the low

level of implementation of article 53, subparagraph (b), of the Convention. In addition, the speaker noted that immunities constituted a major obstacle to prosecution and underscored that more efforts were required to limit their scope.

92. A representative of Transparency International Russia outlined the gaps in legislation and law enforcement practices relevant to asset recovery, and possible means of improvement based on the standards enshrined in the Convention.

## **VII. Implementation of article 63, paragraph 4 (c), of the Convention, including discussion on cooperation with relevant international and regional organizations and mechanisms and non-governmental organizations**

93. At its 9th meeting, on 5 November 2015, the Conference of the States Parties considered agenda item 3, entitled “Implementation of article 63, paragraph 4 (c)”.

94. The discussion was chaired by Sadiq Marafi (Kuwait), Vice-President of the Conference. In his introductory remarks, he recalled the terms of article 63, paragraph 4 (c), of the Convention, and noted that the General Assembly, in its resolution 69/199, had invited the Conference to give due consideration to the implementation of that provision of the Convention. He also took note of conference room paper CAC/COSP/2015/CRP.3.

95. Many speakers referred to the important role of non-governmental organizations in combating corruption at the national level, in line with article 13 of the Convention, in particular in the areas of prevention, awareness-raising, reporting of corruption, education and provision of technical assistance. Several speakers recalled that the broad majority of States parties had actively involved civil society in their country reviews and had reported on the positive contribution of such active participation.

96. The representative of Finland introduced conference room paper CAC/COSP/2015/CRP.3. He noted the continuing disagreement over the interpretation of paragraph 42 of the terms of reference, on the intergovernmental nature of the Implementation Review Group. The speaker noted that the views of the different sides were based on fundamental concerns, which should be recognized and respected as legitimate. He supported a step-by-step confidence-building approach, which in his view would be in line with paragraph 2 of Conference resolution 4/6. Several speakers expressed appreciation for the above-mentioned conference room paper, which provided historical background on the issue and sought to identify common ground and different options.

97. Several speakers referred to Conference resolution 4/6, in particular with regard to the briefings to non-governmental organizations on the outcomes of the review process, convened on the margins of the sessions of the Implementation Review Group. Many speakers highlighted that such briefings had promoted constructive dialogue and had contributed to building confidence in the role of non-governmental organizations in the review process. Some speakers noted with concern instances in which the terms of resolution 4/6 had not been fully adhered to. Several speakers highlighted that briefings to non-governmental organizations should have broader geographical and substantive representation and higher

standards with regard to professionalism and expertise, and invited the Secretariat and States parties to cooperate to facilitate such representation.

98. Several speakers expressed support for the participation of non-governmental organizations as observers in the work of subsidiary bodies of the Conference. Some of them emphasized that the intergovernmental nature of those bodies was not contradictory with the participation of non-governmental organizations as observers. Some speakers highlighted the added value, expertise and resources provided by civil society to the work of those bodies. Some speakers noted that similar bodies and mechanisms serviced by the United Nations Secretariat, as well as relevant intergovernmental organizations, had achieved a balanced approach to the participation of civil society, which had yielded positive results and could serve as valuable reference.

99. Several other speakers expressed the view that existing mechanisms created pursuant to Conference resolution 4/6 provided sufficient means for States parties to engage with non-governmental organizations. Speakers also highlighted the intergovernmental nature of the subsidiary bodies of the Conference. With regard to the Implementation Review Group, reference was made to the guiding principles and characteristics of the Implementation Review Mechanism, as set out in section II of the terms of reference of the Mechanism, and the intergovernmental nature of the Group, as set out in paragraph 42 of the terms of reference. It was also highlighted that the Group discussed sensitive and confidential information and that the Conference had reached consensus on the participation of relevant stakeholders in the Implementation Review Mechanism that was reflected in paragraphs 28 and 30 of the terms of reference.

100. A number of speakers made proposals for a way forward, including a step-by-step approach that would allow for a gradual increase in participation. Some speakers suggested that briefings could be organized on the margins of all subsidiary bodies, that briefings could be held at regular intervals during the meetings, that subsidiary bodies could decide to hold open sessions during the discussions on certain topics and that subsidiary bodies could also decide to invite experts from civil society to contribute to panel discussions.

101. Some speakers encouraged transparency at all stages of country reviews and expressed appreciation for the review transparency pledge proposed by the UNCAC Coalition. Some States expressed their commitment to that pledge and its principles.

102. Some speakers proposed including the topic as a standing item in future agendas of the Conference, in accordance with rule 8 of the rules of procedure of the Conference. Others considered that that was not necessary.

103. A representative of OSCE emphasized the work of OSCE and its collaboration with UNODC, in particular in the provision of legislative assistance for the implementation of the Convention. He expressed the continued support of his Organization to the Implementation Review Mechanism during its second cycle, including in capacity-building activities in the areas of corruption prevention, public procurement and asset recovery.

104. A representative of Transparency International highlighted the expertise and professionalism of members of non-governmental organizations at the national and multilateral levels, and called for the further improvement of existing practices.

A representative of the Anti-Corruption Centre for the Public Sector called upon the non-governmental organizations community to apply strict standards of representation and independence among its members. A representative of the UNCAC Coalition emphasized the need to build trust between civil society and Governments and the role of civil society in the successful implementation of the Convention and encouraged States to commit to its proposed transparency pledge. A representative of the Global Organization of Parliamentarians against Corruption underscored the unique position of parliamentarians in ensuring compliance with and implementation of the Convention, and expressed appreciation for States that included parliamentarians in their delegations and in their country review processes.

## **VIII. Other matters**

### **A. Status of ratification of the Convention**

105. At its 10th meeting, on 6 November 2015, the Conference considered the progress made in the further promotion of ratification or accession to the Convention. The Conference had before it conference room papers on the status of ratification of the Convention as at 15 October 2015 (CAC/COSP/2015/CRP.1) and on competent national authorities under the Convention against Corruption (CAC/COSP/2015/CRP.2).

### **B. Special events**

106. A number of special events were held in conjunction with the sixth session of the Conference, on the following topics: anti-corruption in small island developing States: what is there and what else is needed?; making the review of the Convention more effective; making public procurement public: public-private cooperation to promote integrity and transparency in the public procurement system; UNODC regional programme for East Africa; practice of public-private partnership in anti-corruption; addressing the nexus between illegal wildlife and forestry trades and corruption; StAR Initiative: close to a decade of international efforts in support of the recovery of stolen assets; fighting corruption through open Government; countering corruption in the implementation of the 2030 Agenda and the Sustainable Development Goals; transparency and anti-corruption structural reforms in Mexico; protection of business from corrupt practices: the Russian experience of the business ombudsman; youth for anti-corruption; effective protection of reporting persons: experiences, trends and new resource tools; how can open data prevent and fight corruption?; Operation “Car wash”: Brazilian case study on financial investigation techniques and international cooperation; anti-corruption education and training on implementing the Convention; public-private partnership and the fight against corruption; Anti-Corruption Academic Initiative: combating corruption through education; corruption risk assessments: current approaches and emerging practices; United Nations Convention against Corruption and Arab Convention against Corruption: synergies and implications for anti-corruption legislation in the Arab region; tackling corruption through public-private dialogue; United Nations Convention against Corruption and civil society participation in anti-corruption efforts: taking stock and looking ahead; effective national anti-corruption strategies;

Global Organization of Parliamentarians Against Corruption: sixth forum of parliamentarians; cooperation agreements as important tools for investigation and asset recovery: Brazilian experience and best practices; corruption challenges of the looting of, trafficking in and sale of cultural heritage; fight against corruption: Azerbaijani best practices; best practices in combating corruption and its impact on the enjoyment of human rights; drafting corruption-proof legislation: what are the tools and who are the actors?; addressing corruption challenges in an era of climate change; integrity and legacy of sport; and compensating the social damage caused by corruption: an overview of best practices and challenges in implementing article 35 of the Convention.

## IX. Action taken by the Conference

107. At its 10th, 11th and 12th meetings, on 6 November 2015, the Conference adopted the following revised draft resolutions:

(a) “Continuation of the review of implementation of the United Nations Convention against Corruption” (CAC/COSP/2015/L.10/Rev.1), as orally amended, sponsored by Switzerland; subsequently, Brazil, Costa Rica, El Salvador, the European Union (on behalf of the States members of the European Union), Guatemala, Japan, Mali, Peru and the United States joined in sponsoring the revised draft resolution (for the text, see chap. I, resolution 6/1);

(b) “Facilitating international cooperation in asset recovery and the return of proceeds of crime” (CAC/COSP/2015/L.5/Rev.2), as orally amended, sponsored by Nigeria and South Africa (on behalf of the Group of African States); subsequently, Costa Rica, Ecuador, Guatemala, Haiti, India, Indonesia, Iran (Islamic Republic of), the Lao People’s Democratic Republic, Peru and Timor-Leste joined in sponsoring the revised draft resolution (for the text, see chap. I, resolution 6/2);

(c) “Fostering effective asset recovery” (CAC/COSP/2015/L.7/Rev.2), as orally amended, sponsored by the United States; subsequently, Costa Rica, Guatemala, Guinea, Haiti, Iraq, Japan, Lesotho, Liberia, Madagascar, Mali, Senegal, Sierra Leone, Timor-Leste and the United Kingdom joined in sponsoring the revised draft resolution (for the text, see chap. I, resolution 6/3);

(d) “Enhancing the use of civil and administrative proceedings against corruption, including through international cooperation, in the framework of the United Nations Convention against Corruption” (CAC/COSP/2015/L.8/Rev.2), sponsored by Azerbaijan, Brazil, Chile, Colombia, Egypt, Guatemala, Paraguay, the Russian Federation, Sao Tome and Principe, South Africa, Timor-Leste and the United Republic of Tanzania; subsequently, El Salvador, Iran (Islamic Republic of), Lesotho, Liberia, Mali, Oman, South Africa and the State of Palestine joined in sponsoring the revised draft resolution (for the text, see chap. I, resolution 6/4);

(e) “St. Petersburg statement on promoting public-private partnership in the prevention of and fight against corruption” (CAC/COSP/2015/L.11/Rev.2), sponsored by Brazil, Gabon, Kuwait and the Russian Federation; subsequently, Algeria, Comoros, Costa Rica, Cuba, Ecuador, El Salvador, Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Madagascar, Mongolia, Morocco, Namibia, Panama, Paraguay, Peru, Senegal, South Africa, the State of Palestine, the



Sudan and Viet Nam joined in sponsoring the revised draft resolution (for the text, see chap. I, resolution 6/5);

(f) “Follow-up to the Marrakech declaration on the prevention of corruption” (CAC/COSP/2015/L.9/Rev.2), sponsored by Azerbaijan, Chile, El Salvador, Guatemala, Haiti, Indonesia, Jordan, Kuwait, Morocco, Peru, Qatar, the Russian Federation, Saudi Arabia, South Africa (on behalf of the Group of African States), the State of Palestine and the Sudan; subsequently, Chile (on behalf of the Group of 77 and China), the European Union (on behalf of the States members of the European Union), Israel, Mexico and the United States joined in sponsoring the revised draft resolution (for the text, see chap. I, resolution 6/6);

(g) “Promoting the use of information and communications technologies for the implementation of the United Nations Convention against Corruption” (CAC/COSP/2015/L.3/Rev.2), sponsored by Germany and Israel; subsequently, El Salvador, the European Union (on behalf of the States members of the European Union) and the United States joined in sponsoring the revised draft resolution (for the text, see chap. I, resolution 6/7);

(h) “Prevention of corruption by promoting transparent, accountable and efficient public service delivery through the application of best practices and technological innovations” (CAC/COSP/2015/L.4/Rev.2), sponsored by Algeria, Azerbaijan, Brazil, Cambodia, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Peru, the Philippines, Qatar, Saudi Arabia, the State of Palestine, the Sudan, Turkey, the United Arab Emirates and Viet Nam; subsequently, Bangladesh, Fiji, Israel, Iran (Islamic Republic of), Oman and Paraguay joined in sponsoring the revised draft resolution (for the text, see chap. I, resolution 6/8);

(i) “Strengthening the implementation of the United Nations Convention against Corruption in small island developing States” (CAC/COSP/2015/L.6/Rev.2), sponsored by Fiji, Guatemala, Haiti, Mauritius and Nauru; subsequently, Colombia, Comoros, Costa Rica, Gabon, Grenada and Madagascar joined in sponsoring the revised draft resolution (for the text, see chap. I, resolution 6/9);

(j) “Education and training in the context of anti-corruption” (CAC/COSP/2015/L.12/Rev.1), as orally amended, sponsored by Austria, Finland and Viet Nam; subsequently, Angola, Bulgaria, Cambodia, Chile, Comoros, El Salvador, Gabon, Guinea, Haiti, Indonesia, Iraq, Israel, Kazakhstan, Kenya, the Lao People’s Democratic Republic, Lebanon, Lesotho, Madagascar, Mali, Namibia, Nigeria and Senegal joined in sponsoring the revised draft resolution (for the text, see chap. I, resolution 6/10).

108. Prior to the adoption of the draft resolution on the continuation of the review of implementation of the Convention against Corruption (CAC/COSP/2015/L.10/Rev.1), a representative of the Secretariat clarified that the number of completed executive summaries of country reviews of States parties that were parties at the time of adoption of Conference resolution 3/1 stood at 107. The representative also clarified that the conference room paper containing information on projected costs for the functioning of the second cycle of the Implementation Review Mechanism (CAC/COSP/2015/L.13) would become an annex to the report of the Conference (see annex I). Furthermore, in relation to paragraph 17 of the draft resolution on the continuation of the review of implementation of the Convention, the representative informed the Conference that established budgetary procedures would be followed

with respect to the proposed programme budget for the biennium 2018-2019 and that the General Assembly would be informed accordingly at the appropriate time.

109. Pursuant to rule 66, paragraph 2, of the rules of procedure for the Conference, the representative of the State of Palestine provided the following explanatory statement of position:

The State of Palestine would like to express its reservation on resolution 6/7 on “Promoting the use of information and communication technologies for the implementation of the United Nations Convention against Corruption”, especially its paragraph 1.

We inform the Conference that the State of Palestine does not have the ability to implement the above-mentioned resolution, owing to the Israeli restrictions on Palestine on obtaining the third generation of mobile technology, among several other restrictions imposed by Israel as an occupying Power that limit the development of the infrastructure of information technology in Palestine. This unjustified position of Israel violates the Oslo accords of 1993.

The State of Palestine would like to call upon the Conference to ensure that the provisions of this resolution could be implemented in a realistic manner and that the State of Palestine and its people could be able to enjoy the benefits of information and communications technology and e-government mechanisms and to assist in creating the environment to effectively and meaningfully implement it.

110. In exercise of the right of reply, the representative of Israel called upon the Conference to continue its deliberations in a professional and collegial spirit, as had been the case throughout the Conference. He recalled the statement of the Head of delegation of Israel during the general discussion. He also thanked the co-sponsors of resolution 6/7 and all delegations for the constructive and professional manner in which the draft resolution sponsored by Israel had been discussed.

## **X. Provisional agenda for the seventh session of the Conference**

111. At its 10th and 12th meetings, on 6 November 2015, the Conference decided not to take action on the draft provisional agenda for its seventh session (CAC/COSP/2015/L.2). It was agreed that consultations should continue during the intersessional period, in particular on the proposed inclusion of an agenda item on the implementation of article 63, paragraph 4 (c), of the Convention, including discussions on cooperation with relevant international and regional organizations and mechanisms and non-governmental organizations.

## **XI. Adoption of the report of the Conference on its sixth session**

112. At its 12th meeting, on 6 November 2015, the Conference adopted the report on its sixth session.

113. The representative of Austria made reference to the statement by the representative of Indonesia, speaking on behalf of the Group of 77 and China,

during the opening of the session,<sup>44</sup> and clarified that the next session of the Conference would be held at the headquarters of the United Nations in Vienna, and would not be hosted by Austria.

## **XII. Closure of the session**

114. At its 12th meeting, on 6 November 2015, the Conference heard a closing statement from the Executive Director of UNODC and a closing statement by the President of the Conference. The representative of Indonesia, on behalf of the Group of 77 and China, and the representative of Peru, on behalf of the Group of Latin American and Caribbean States, made statements at the closure of the session.

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<sup>44</sup> See paragraph 8 above.

## Annex I

### **Projected costs for the functioning of the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption**

Note by the Secretariat

#### **Introduction**

1. In its resolution 3/1, entitled “Review mechanism”, the Conference of the States Parties to the United Nations Convention against Corruption underlined that the Mechanism for the Review of Implementation of the United Nations Convention against Corruption would require a budget that ensured its efficient, continued and impartial functioning. In line with that resolution, the General Assembly, in its resolution 64/237, requested the Secretary-General to ensure that the Implementation Review Mechanism was adequately funded.
2. In its resolution 4/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, the Conference decided that the Implementation Review Group should assist the Conference in the fulfilment of its responsibility to consider the budget biennially by engaging with the Secretariat during the intersessional period with regard to expenditure and projected costs related to the Mechanism. It also requested the United Nations Office on Drugs and Crime (UNODC), in furtherance of the budget consideration function, and consistent with the financial rules and regulations of the United Nations, to support the Group by: (a) providing the Group with financial information on expenditure and projected costs related to the Implementation Review Mechanism, in a format and at intervals to be agreed by the Secretariat and the Group; and (b) engaging in a dialogue, as appropriate, with the Group prior to finalizing its submissions relating to the finances of the Implementation Review Mechanism for each biennial regular budget.
3. At the resumed fifth session of the Implementation Review Group, held in Vienna from 13 to 15 October 2014, several States parties encouraged the Secretariat to present to the Group financial estimates for the second review cycle.
4. With reference to the draft resolution on the review of implementation of the United Nations Convention against Corruption, the Secretariat is hereby submitting revised information to the Implementation Review Group on the projected costs for the functioning of the second cycle of the Implementation Review Mechanism during its first two years of operation.
5. In order to facilitate the discussion of the Implementation Review Group, the note is presented in three parts, which are covering the projected costs in terms of:
  - (a) Posts and related general operating expenses (section I);
  - (b) Implementation Review Group (section II);
  - (c) Operating expenses (section III).

A summary table presenting the overall projected costs is presented in section IV.

## **I. Projected costs for the first two years of the second cycle of the Implementation Review Mechanism: posts and related general operating expenses**

6. In the additional requirements approved by the Fifth Committee of the General Assembly after review of the statement on the programme budget implications of resolution 64/237 (see A/C.5/64/12 and A/64/599), the resource requirements for posts and related general operating expenses for the functioning of the Implementation Review Mechanism were estimated on the basis of the following parameters:

- (a) The Mechanism would follow a four-year cycle;
- (b) Forty States parties would be reviewed each year;
- (c) Translation of the responses to the self-assessment checklist and of supporting documentation would be required for 15 of the 80 countries under review during the biennium;
- (d) One session of the Implementation Review Group would be held each year, with a duration of 10 days;
- (e) Forty country visits would be organized and carried out per biennium.

7. Based on those parameters and the activities that were envisaged to implement the Mechanism, the staffing requirements per biennium were estimated as follows:

- (a) Eighty reviews at 12 staff workweeks each, totalling 960 staff workweeks;
- (b) Preparation of 80 reports at 2 workweeks each, totalling 160 staff workweeks;
- (c) Preparation of aggregate analytical reports, totalling 30 staff workweeks;
- (d) Preparation and servicing of the sessions of the Implementation Review Group, totalling 20 staff workweeks;
- (e) Forty country visits at two weeks each (including preparation time), totalling 80 staff workweeks;
- (f) Maintenance of an expert database and other miscellaneous activities, totalling 30 staff workweeks.

8. On that basis, in 2009, the total number of staff workweeks per biennium was estimated at 1,280. Based on an average annual figure of 44 effective workweeks per staff member, the total requirement for supporting the Implementation Review Mechanism was calculated to be 14 staff members at various levels within the Professional and General Service categories.

9. In 2009, it was estimated that approximately 30 per cent of the work could be accomplished by the existing staff of the Corruption and Economic Crime Section (that was: 1 P-5, 1 P-4, 1 P-3, 1 P-2 and 1 General Service (Other level)).

10. On that basis, the General Assembly (see A/C.5/64/12 and A/64/599) approved the establishment of nine additional posts for the servicing of the Implementation

Review Mechanism: 1 D-1, 1 P-5, 2 P-4, 1 P-3, 3 P-2 and 1 General Service (Other level).

11. Subsequent to resolution 3/1, additional mandates and tasks related to the functioning of the Mechanism were established by the Conference of the States Parties and the Implementation Review Group. At the first session of the Group, held in Vienna from 28 June to 2 July 2010, the guidelines for governmental experts and the secretariat, which had been adopted as a draft by the Conference at its third session, were finalized by the Group (see CAC/COSP/IRG/2010/7). Those guidelines established specific additional tasks to be carried out by the Secretariat regarding the country review process, such as the organization of the initial steps of the review, and regarding the substantive support of the country review, such as the incorporation of comments into the draft report and the organization of dialogues for agreement on the report. Further tasks were mandated as a result of resolutions adopted by the Conference at its fourth session on the work of the Mechanism. Most importantly, in its resolution 4/1, the Conference requested UNODC to support the Group in considering the budget of the Mechanism and to ensure consistency in reporting for all States parties. In its resolution 4/6, the Conference requested the Secretariat to convene and conduct briefings on the outcomes of the review process for non-governmental organizations on the margins of the sessions of the Group, as well as to prepare summaries of those briefings. In its decision 5/1, the Conference decided that the Implementation Review Group, with the support of the Secretariat, would collect and discuss relevant information in order to facilitate the assessment of the performance of the Implementation Review Mechanism. At its resumed fifth session, the Group requested the Secretariat to collect input from States and update the comprehensive self-assessment checklist (see CAC/COSP/IRG/2014/11/Add.1).

12. Should the draft resolution on the continuation of the review of implementation of the Convention (CAC/COSP/2015/L.10/Rev.1) be adopted, during the 2016-2017 biennium, at least 72 Member States will be under review, while follow-up activities related to the analysis of the technical assistance needs identified for more than 80 countries reviewed during the first cycle of the Mechanism will need to be conducted simultaneously. This will involve the development of strategies for a coordinated implementation of technical assistance activities, projects and programmes, as mandated in particular by the Conference of the States Parties in its resolution 3/4, on technical assistance to implement the Convention against Corruption.

13. The operation of the Implementation Review Mechanism from 2010 to date has provided the Secretariat with concrete data on its requirements. The data show that the actual workload is greater than originally estimated. The reasons are the following:

- (a) The parameters have changed, resulting in an increased workload;
- (b) Some activities are more time-consuming than estimated in 2009;
- (c) Some activities were not anticipated in 2009 because the guidelines for governmental experts and the Secretariat had not been finalized.

14. The parameters have changed as follows:

- (a) The Implementation Review Mechanism follows two five-year cycles;

(b) Should the draft resolution on the continuation of the review of implementation of the Convention (CAC/COSP/2015/L.10/Rev.1) be adopted, at least 36 States parties are to be reviewed per year, owing to the actual and anticipated increase in ratifications and accessions;

(c) Translation of the responses to the self-assessment checklist and of supporting documentation into one or two other languages is required for the majority of reviews (more than two thirds on average each year). In addition, the length of the responses to the self-assessment checklist is longer than originally estimated;

(d) The Implementation Review Group holds two sessions each year, one regular session and one resumed session, with a total duration of 10 days;

(e) The majority of States (more than 95 per cent) have requested direct dialogue in the form of country visits or joint meetings in Vienna.

15. Activities that are more time-consuming than was estimated in 2009 or that were not anticipated in 2009 relate to the preparation and conduct of the country reviews, including the writing of the country reports and executive summaries in different languages, as well as the increased preparation and servicing requirements of the Implementation Review Group.

16. In comparison with 2009 and on the basis of the changed parameters and the experience of performing the related tasks, table 1 below shows the activities as envisaged in 2009 with respect to the country review process, the activities that were not anticipated and the work of the Implementation Review Group. It also provides a comparison between the 2009 estimate and the actual staff requirements in workweeks per year.

Table 1

**Comparison between the 2009 workload estimate and the actual workload in support of the Implementation Review Mechanism**

<i>Description of tasks</i>	<i>Workload in staff workweeks per year</i>	
	<i>2009 estimate</i>	<i>Actual workload</i>
<b>(a) Country reviews</b>	<b>480</b>	<b>576</b>
In 2009, the Secretariat was tasked with:		
<ul style="list-style-type: none"> <li>• Ensuring that all States under review each submit a complete self-assessment checklist, and following up and requesting additional information if the list is incomplete.</li> <li>• Distributing the checklist responses and supporting documentation to the peer-reviewing countries and requesting feedback.</li> <li>• Supporting the review by facilitating an active dialogue between the State party under review and the two reviewing States, which could include requests that the State party provide clarifications or additional information or address supplementary questions related to the review. The constructive dialogue may also entail the organization of conference calls, videoconferences, e-mail exchanges or joint meetings at the United Nations Office at Vienna.</li> </ul>		

<i>Description of tasks</i>	<i>Workload in staff workweeks per year</i>	
	<i>2009 estimate</i>	<i>Actual workload</i>
<ul style="list-style-type: none"> <li>• Determining the schedule and requirements of each country review in consultation with the reviewing States parties and the State party under review and addressing all issues relevant to the review.</li> <li>• Developing a set of guidelines for the reviewing States parties and a blueprint country report and assisting the reviewing States parties in preparing a country review.</li> </ul> <p><b>Additional requirements</b></p> <p>While these tasks were being performed, the actual number of States parties grew by 29, from the initial 144 States to 173 States. In anticipation of further ratifications and accessions within the next 18 months, it is reasonable to assume that 180 States will be parties to the Convention in the biennium 2016-2017.</p> <p>Approximately one quarter of States reviewed each year required and received assistance for the completion of responses to the checklist. In 2009, the actual length of responses and attachments was underestimated. Also, the work time needed to facilitate the initial steps of the review process and to ensure that all States under review submitted a complete self-assessment checklist, as well as the follow-up to responses and requests for additional information if the lists were incomplete, was underestimated.</p> <p>It was not foreseen in 2009 that the Secretariat would:</p> <ul style="list-style-type: none"> <li>• Transfer the responses contained in the self-assessment checklist to the blueprint for country reports to facilitate the desk review.</li> <li>• Support the desk review, including through consistency checks and language revisions when the self-assessment had been translated.</li> <li>• Prepare a draft blueprint of the country review report in advance of direct dialogue in the different languages of the review.</li> </ul>	<b>80</b>	<b>72</b>
<p><b>(b) Preparation of review reports</b></p> <p>In 2009, the Secretariat was tasked with:</p> <ul style="list-style-type: none"> <li>• Supporting a desk review that entailed an analysis of the responses to the self-assessment checklist, focusing on measures taken to implement the Convention.</li> <li>• Assisting the reviewing States parties in preparing a country review report with an executive summary to identify successes, good practices and challenges and make observations for the implementation of the Convention. Where appropriate, the report should include the identification of technical assistance needs for the purposes of improving implementation of the Convention.</li> <li>• Submitting the executive summaries for each country report.</li> </ul> <p><b>Additional requirements</b></p> <p>The workload increased owing to the increases in accessions and ratifications.</p> <p>It was not foreseen in 2009 that the Secretariat would:</p> <ul style="list-style-type: none"> <li>• Prepare the country review reports in the language(s) in which the country review was conducted, ensure consistency among the language versions, lead a process of consultations among the reviewing experts and the focal point of the State under review, incorporate their observations into all of</li> </ul>		



<i>Description of tasks</i>	<i>Workload in staff workweeks per year</i>	
	<i>2009 estimate</i>	<i>Actual workload</i>
<p>the language versions and facilitate the reaching of agreement on the country review reports by the parties involved.</p> <ul style="list-style-type: none"> <li>• Prepare the executive summaries in the languages in which the country review was conducted, ensure consistency among the language versions, lead a process of consultations among the reviewing experts and the focal point of the State under review, incorporate their observations into all the language versions and facilitate the reaching of agreement on the country review reports by the parties involved.</li> <li>• Undertake a consistency check of all the country reviews to ensure that the observations of the executive summaries are consistent.</li> </ul> <p>The workload in relation to assisting the reviewing States parties in preparing a country review report with an executive summary totals 72 staff weeks per year. The workload in relation to the other tasks is reflected in the overall country review estimate in (a) above.</p>		
<b>(c) Preparation of aggregate analytical reports</b>	<b>15</b>	<b>15</b>
<p>In 2009, the Secretariat was tasked with:</p> <ul style="list-style-type: none"> <li>• Compiling the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs contained in the country reports and including them in a thematic implementation report and regional supplementary addenda for submission to the Implementation Review Group.</li> </ul> <p><i>Additional requirements</i></p> <p>The workload increased owing to the increase in accessions and ratifications. However, the Secretariat absorbed this additional requirement (and will continue to do so) by putting in place a system of updates to the thematic reports and regional addenda.</p>		
<b>(d) Preparation for and servicing of the session of the Implementation Review Group</b>	<b>10</b>	<b>12</b>
<p>In 2009, the Secretariat was tasked with:</p> <ul style="list-style-type: none"> <li>• Organizing the drawing of lots for the reviewing countries.</li> <li>• Prior to such drawing of lots, ensuring geographical balance, the availability of countries with similar legal systems and the availability of countries to be subjected to the review in a given year.</li> <li>• Servicing the Implementation Review Group, which is an open-ended intergovernmental group of States parties. It operates under the authority of and reports to the Conference of the States Parties and holds annual sessions (regular and resumed) in Vienna. The Implementation Review Group is mandated to conduct an overview of the review process to identify challenges and good practices and to consider technical assistance requirements, to ensure effective implementation of the Convention. Thematic implementation reports serve as the basis for the analytical work of the Implementation Review Group, which submits recommendations and conclusions to the Conference of the States Parties.</li> </ul> <p><i>Additional requirements</i></p> <p>The reporting obligation of the Secretariat to the Implementation Review Group in furtherance of its mandate and requirements for the Conference of</p>		

<i>Description of tasks</i>	<i>Workload in staff workweeks per year</i>	
	<i>2009 estimate</i>	<i>Actual workload</i>
the States Parties, as well as the servicing of the sessions, was greater than estimated in 2009.		
In 2009, it was not foreseen that the Implementation Review Group would hold two sessions (one regular and one resumed) instead of one, in line with the guidance provided by the Implementation Review Group and the Conference of the States Parties, inter alia, through the organization of panel discussions and oral updates on the thematic reports.		
<b>(e) Country visits</b>	<b>40</b>	<b>68</b>
<b><i>Additional requirements</i></b>		
As indicated previously, on average, more than 95 per cent of the States under review each year requested direct dialogue. The initial estimates did not account for sufficient preparation time, including logistics, preparation of documentation and servicing of the direct dialogue. The workload in relation to the additional requirements is reflected in the overall country review estimate in (a) above.		
<b>(f) Maintenance of an expert database and other miscellaneous activities</b>	<b>15</b>	<b>15</b>
In 2009, the Secretariat was tasked with:		
<ul style="list-style-type: none"> <li>• Maintaining a list of up to 15 experts from each of the 80 peer review countries, to be drawn up annually, kept up to date and distributed prior to the drawing of lots.</li> <li>• Specifically in the area of technical assistance, as part of the Mechanism follow-up process, reviewing whether identified technical assistance needs have been met and reporting on the outcome of the analysis of information to the Implementation Review Group.</li> </ul>		
<b>Total</b>	<b>640</b>	<b>758</b>

17. In comparison with the 640 staff workweeks per annum estimated in 2009, the actual required staff workweeks are 758 per annum. Based on an average of 44 effective workweeks per staff member per annum, the actual total requirement for supporting the Implementation Review Mechanism is 17 staff members (both Professional and General Service staff).

18. The Mechanism is currently supported by 14 regular budget posts: 12 Professional staff (1 D-1, 2 P-5, 3 P-4, 2 P-3 and 4 P-2) and 2 General Service staff (Other level).

19. Therefore, the staffing shortfall for the appropriate functioning of the Mechanism in line with the draft resolution on the continuation of the review of implementation of the Convention (CAC/COSP/2015/L.10/Rev.1) and the terms of reference of the Mechanism equals three posts (one P-4 and two P-3). These posts will carry out the following functions: two additional crime prevention and criminal justice officers (P-3) and one new crime prevention and criminal justice officer (P-4) would enable the Secretariat to implement the mandate received from the Conference of the States Parties, in particular by its resolution 3/1, and the General Assembly, through its resolution 64/237, to effectively meet the full requirements of

States parties in conducting country reviews, as described in detail previously, in a timely manner and to ensure the highest levels of quality of the review process.

20. Should the draft resolution on the continuation of the review of implementation of the United Nations Convention against Corruption (CAC/COSP/2015/L.10/Rev.1) be adopted, for the biennium 2016-2017, the cost of these additional posts would be met through extrabudgetary contributions and would amount to 1,154,000 dollars, as shown in table 2 below. The related requirements for computer maintenance and communications amount to 20,800 dollars, making the total expenses 1,174,800 dollars.

Table 2

**Additional budgetary requirements for 2016-2017 (United States dollars)**

<i>Posts and related general operating expenses</i>	
1 P-4 and 2 P-3 posts	1 154 000
Computer maintenance	9 500
Communication costs	11 300
<b>Subtotal</b>	<b>1 174 800</b>

## **II. Projected costs for the first two years of the second cycle of the Implementation Review Mechanism: Implementation Review Group**

21. The projected costs for the interpretation and translation of official documentation of the Implementation Review Group have increased for the translation of documentation for the sessions of the Implementation Review Group, based on the experience of the first review cycle. It is anticipated that for the second cycle of the Mechanism, translation will be provided for a total of 300 pages of documentation per year for the sessions of the Implementation Review Group by making full and efficient use of the approved regular budget of the Conference Management Service and under the UNODC share of existing translation resources.

22. Section 2 of the proposed programme budget for the biennium 2016-2017 of the United Nations Section (A/70/6 (Sect. 2)) already covers the increased translation requirements of 300 pages per year.

## **III. Projected costs for the first two years of the second cycle of the Implementation Review Mechanism: operating the Mechanism**

23. For operating the Mechanism, the projected costs would be required for: (a) participants for country visits and joint meetings; (b) translation of working documentation; (c) participation of least developed countries in the sessions of the Implementation Review Group; (d) training of governmental experts; (e) travel of UNODC experts to provide targeted assistance in a country under review; (f) computer maintenance and communication costs; and (g) additional posts. The projected costs are based on the following parameters:

- (a) Thirty-six States parties are reviewed per year;
- (b) It is assumed that the translation of the responses to the self-assessment checklist and supporting documentation into one or two other languages is required for the majority of reviews (more than two thirds on average each year);
- (c) It is assumed that the overall costs for the translation of working documents will increase by 20 per cent, owing to the diversity of subjects covered under chapter V of the Convention against Corruption and, in particular, under chapter II;
- (d) It is assumed that the majority of States parties (more than 95 per cent) will request direct dialogue in the form of country visits or joint meetings in Vienna;
- (e) It is assumed that two experts per reviewing country will participate in a direct dialogue, owing to the diversity of subjects covered under chapters V and, in particular, II of the Convention against Corruption;
- (f) Two staff from the Secretariat will participate in a direct dialogue;
- (g) Generally, the costs for travel and daily subsistence allowance in relation to a direct dialogue are covered for experts from developing and least developed countries, as well as on a case-by-case basis for other requesting countries;
- (h) The Implementation Review Group holds a regular session and a resumed session each year;
- (i) The costs for travel and daily subsistence allowance related to a session of the Implementation Review Group are covered through the Implementation Review Mechanism for one representative from each least developed country that is a State party to the Convention.

24. Based on the above parameters, the projected operating costs are estimated to be 5,608,600 dollars for the first two years, as detailed in table 3 below. The operating costs are to be covered through voluntary contributions.

#### IV. Summary of the projected costs for the first two years of the second cycle of the Implementation Review Mechanism

Table 3

**Overall projected costs for the first two years of the second cycle of the Implementation Review Mechanism**  
(United States dollars)

	<i>Projected costs for the first and second years</i>
<b>Regular budget</b>	
<b>I. Posts and related general operating expenses</b>	
Posts (1 D-1, 1 P-5, 2 P-4, 1 P-3, 3 P-2 and 1 General Service (Other level))	2 641 400
Computer maintenance	25 200
Communication costs	30 000
<b>Subtotal I</b>	<b>2 696 600</b>

	<i>Projected costs for the first and second years</i>
<b>II. Implementation Review Group</b>	
Interpretation (20 meetings per year, six languages) and conference servicing	542 400
Translation of documentation (300 pages per year, six languages)	1 252 800
<b>Subtotal II</b>	<b>1 795 200</b>
<i>Extrabudgetary contributions</i>	
<b>III. Operation of the Implementation Review Mechanism</b>	
Travel of participants for country visits and joint meetings	1 620 800 <sup>a</sup>
Translation of working documentation	1 173 600 <sup>b</sup>
Participation of representatives from least developed countries in the sessions of the Implementation Review Group	561 700 <sup>c</sup>
Training of governmental experts	936 200 <sup>d</sup>
Travel of UNODC experts to provide targeted assistance in countries under review	117 100 <sup>e</sup>
Computer maintenance	24 400 <sup>f</sup>
<b>Subtotal III</b>	<b>4 433 800</b>
<b>IV. Posts and related general operating expenses</b>	
Additional posts (1 P-4, 2 P-3)	1 154 000
Computer maintenance	9 500
Communication costs	11 300
<b>Subtotal IV</b>	<b>1 174 800</b>
<b>Subtotal for regular budget: I+II</b>	<b>4 491 800</b>
<b>Subtotal for voluntary contributions: III+IV</b>	<b>5 608 600</b>
<b>Grand total I+II+III+IV</b>	<b>10 100 400</b>

<sup>a</sup> The estimate for the costs for country visits and joint dialogue is based on the average expenditures for the 111 country visits and eight joint meetings that were carried out under the first cycle as at 28 February 2015. As at that date, there was only one country under review that had had neither a country visit nor a joint meeting.

<sup>b</sup> The estimate for the costs of the translation of working documents is based on the expenditure for the translation of working documents that were incurred during the first cycle for all countries under review as at 28 February 2015.

<sup>c</sup> The estimate for the costs of the participation of representatives from least developed countries in the sessions of the Implementation Review Group is based on the assumption that the number of such States parties to the Convention against Corruption will increase from 41 to 43 within the next 12 months. It is also based on the assumption that 80 per cent of least developed countries that are States parties will participate in the sessions of the Implementation Review Group.

<sup>d</sup> The estimate for the costs for conducting training for governmental experts is based on the expenditure for conducting training for governmental experts that was incurred during the first cycle until 28 February 2015. It is assumed that training needs will decrease during the second two-year period of the second cycle.

<sup>e</sup> In relation to country reviews conducted under the first cycle, the UNODC regional advisers on countering corruption based in Africa, Asia and Latin America and the Caribbean in particular provided targeted assistance in some countries under review. The resulting expenditure was usually charged to existing projects other than the one that is used to administer the extrabudgetary contributions provided by donors to specifically finance the extrabudgetary requirements of the Mechanism.

<sup>f</sup> The estimate is based on the need to renew some of the information technology equipment.

## Annex II

## List of documents before the Conference of the States Parties to the United Nations Convention against Corruption at its sixth session

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2015/1	Provisional agenda and annotations (St. Petersburg, 2-6 November 2015)
CAC/COSP/2015/2	Technical assistance in support of the implementation of the United Nations Convention against Corruption: note by the Secretariat
CAC/COSP/2015/3	Progress report on the implementation of the mandates of the Working Group on Asset Recovery: note by the Secretariat
CAC/COSP/2015/4	Analysis of technical assistance needs emerging from the country reviews: note by the Secretariat
CAC/COSP/2015/5	Summary of the state of implementation of the United Nations Convention against Corruption: criminalization, law enforcement and international cooperation
CAC/COSP/2015/6	Assessment of the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption: note by the Secretariat
CAC/COSP/2015/7	Resources and expenditures for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption: note by the Secretariat
CAC/COSP/2015/8	Status of implementation of Conference resolution 5/4, entitled "Follow-up to the Marrakech declaration on the prevention of corruption": background paper prepared by the Secretariat
CAC/COSP/2015/9	Status of implementation of Conference resolution 5/6, entitled "Private sector": report of the Secretariat
[e-book]	<i>State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation</i>
CAC/COSP/WG.4/2014/5	Report on the meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption held in Vienna from 8 to 10 September 2014
CAC/COSP/WG.4/2015/4	Report on the meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption held in Vienna from 31 August to 2 September 2015
CAC/COSP/WG.2/2014/4	Report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 11 and 12 September 2014
CAC/COSP/WG.2/2015/4	Report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 3 and 4 September 2015

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/EG.1/2014/3	Report of the third open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna on 9 and 10 October 2014
CAC/COSP/2015/L.1 and Add.1-5	Draft report
CAC/COSP/2015/L.2	Draft provisional agenda for the seventh session
CAC/COSP/2015/L.3/Rev.2	Germany and Israel: revised draft resolution on promoting the use of information and communication technologies for the implementation of the United Nations Convention against Corruption
CAC/COSP/2015/L.4/Rev.2	Algeria, Azerbaijan, Brazil, Cambodia, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Peru, Philippines, Qatar, Saudi Arabia, State of Palestine, Sudan, Turkey, United Arab Emirates and Viet Nam: revised draft resolution on prevention of corruption by promoting transparent, accountable and efficient public service delivery through the application of best practices and technological innovations
CAC/COSP/2015/L.5/Rev.2	Nigeria, and South Africa (on behalf of the Group of African States): revised draft resolution on facilitating international cooperation in asset recovery and the return of proceeds of crime [to prior legitimate owners]
CAC/COSP/2015/L.6/Rev.2	Fiji, Guatemala, Haiti, Mauritius and Nauru: revised draft resolution on strengthening the implementation of the United Nations Convention against Corruption in small island developing States
CAC/COSP/2015/L.7/Rev.2	United States of America: revised draft resolution on fostering effective asset recovery through [domestic action and] international cooperation
CAC/COSP/2015/L.8/Rev.2	Azerbaijan, Brazil, Chile, Colombia, Egypt, Guatemala, Paraguay, Russian Federation, Sao Tome and Principe, South Africa, Timor-Leste and United Republic of Tanzania: revised draft resolution on enhancing the use of civil and administrative proceedings against corruption, including through international cooperation, in the framework of the United Nations Convention against Corruption
CAC/COSP/2015/L.9/Rev.2	Azerbaijan, Chile, El Salvador, Guatemala, Haiti, Indonesia, Jordan, Kuwait, Morocco, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa (on behalf of the Group of African States), State of Palestine and Sudan: revised draft resolution on follow-up to the Marrakech declaration on the prevention of corruption
CAC/COSP/2015/L.10/Rev.1	Switzerland: revised draft resolution on continuation of the review of implementation of the United Nations Convention against Corruption
CAC/COSP/2015/L.11/Rev.2	Brazil, Gabon, Kuwait and Russian Federation: revised draft resolution on the St. Petersburg statement on promoting public-private partnership in the prevention of and fight against corruption

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2015/L.12/Rev.1	Austria, Finland and Viet Nam: revised draft resolution on education and training for professionals on anti-corruption
CAC/COSP/2015/L.13	Projected costs for the functioning of the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption: note by the Secretariat
CAC/COSP/2015/INF/1	Information for participants
CAC/COSP/2015/INF/2	Provisional list of participants
CAC/COSP/2015/CRP.1	Status of ratification of the United Nations Convention against Corruption as at 15 October 2015
CAC/COSP/2015/CRP.2	Competent national authorities under the United Nations Convention against Corruption
CAC/COSP/2015/CRP.3	Civil society engagement in the implementation of the United Nations Convention against Corruption: document submitted by Finland
CAC/COSP/2015/CRP.4	Use of civil and administrative proceedings against corruption, including international cooperation: document submitted by Brazil
CAC/COSP/2015/CRP.5	Mechanisms for measuring transparency in Ecuador: document submitted by Ecuador
CAC/COSP/2015/CRP.6	Report of the international expert group meeting on effective management and disposal of seized or frozen and confiscated assets, held in Vienna from 7 to 9 September 2015
CAC/COSP/2015/CRP.7	UNCAC review mechanism — second cycle: document submitted by Belgium
CAC/COSP/2015/CRP.8	St. Petersburg Declaration: paper submitted by the Government of the Russian Federation
CAC/COSP/2015/CRP.9	Countering grand corruption: paper submitted by the Government of Peru
CAC/COSP/2015/CRP.10	Mauritius Communiqué on the Global Conference on Anti-Corruption Reform in Small Island States: document submitted by Mauritius
CAC/COSP/IRG/2015/CRP.1	Revised self-assessment checklist for the second cycle of the Implementation Review Mechanism: draft for discussion
CAC/COSP/IRG/2015/CRP.6 and Rev.1	Note by the Secretariat on projected costs for the functioning of the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption
CAC/COSP/2015/NGO/1	Statement submitted by the UNCAC Coalition on the review transparency pledge
CAC/COSP/2015/NGO/2	Statement submitted by Transparency International on civil society participation in anti-corruption efforts
CAC/COSP/2015/NGO/3	Statement submitted by Transparency International on recommendations for robust action against grand corruption
CAC/COSP/2015/NGO/4	Statement submitted by Transparency International on input to the Implementation Review Mechanism



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<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2015/NGO/5	Statement submitted by the UNCAC Coalition on a comprehensive, effective, transparent and accountable implementation of chapter V of the Convention
CAC/COSP/2015/NGO/6	Statement submitted by the UNCAC Coalition on addressing corruption in an era of climate change
CAC/COSP/IRG/2015/NGO/4	Statement submitted by the UNCAC Coalition ahead of the sixth session of the Conference

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