



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

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## Implementation Review Group

### Resumed twelfth session

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## Draft report

### Addendum

## VI. Technical assistance

1. A representative of the secretariat provided a brief statistical and substantive update of the technical assistance needs identified in the first cycle of the Implementation Review Mechanism, with a particular focus on chapter IV (International cooperation) of the Convention. She explained that since the secretariat's last update ([CAC/COSP/2019/14](#)), an additional four reviews had been finalized, of which two had identified technical assistance needs. She noted that 118 States had identified a total of 3,680 individual technical assistance needs under the first review cycle, and because only eight further needs had been identified, the overall substantive analysis remained unchanged. For both chapters III and IV of the Convention, the technical assistance needs identified continued to pertain to legislative drafting, capacity-building and information on good practices and lessons learned.

2. In reference to chapter IV (International cooperation), the article for which the most needs had been identified was article 46 on mutual legal assistance, with 74 States identifying 200 such needs, followed by article 44 on extradition and article 50 on special investigative techniques (63 States identified 185 needs and 182 needs, respectively). The representative noted that the interlinkages between chapters IV and V could be observed in the identification of technical assistance needs. In reference to chapter V (Asset recovery), five of the eight States that had identified needs for assistance had done so in relation to enhancing their capacities and strengthening their legislative frameworks on international cooperation. The representative of the secretariat reminded States that a more comprehensive analysis and overview of the needs emerging from both cycles would be presented by the secretariat to the Conference at its ninth session.

### Panel discussion on technical assistance (afternoon session)

3. In the panel discussion on technical assistance, a panellist from the Sudan presented his country's legal framework on asset recovery and how the technical assistance received had successfully reinforced it. He explained that a constitutional declaration for the transitional period had been issued in 2019, which included a number of principles and provisions regarding non-impunity and the fight against corruption. In referring to assistance received from the joint UNODC/World Bank



Stolen Asset Recovery (StAR) Initiative, he noted that a scoping mission for legal reform conducted in December 2019 had led to the establishment of a customized workplan. Trilateral meetings with other States were organized during that mission. Moreover, the StAR Initiative had provided support in the development of laws, including on asset recovery. More recently, his country had requested UNODC to provide assistance in the development of an anti-corruption strategy. The panellist noted that a commission to combat corruption and recover public funds was being established and concluded by noting that his country continued to be in need of technical assistance to further build its capacity and develop its legal framework.

4. A panellist from Uzbekistan explained how his country had benefited from technical assistance delivered through the StAR Initiative. He explained that support had been provided for the conduct of parallel financial investigations, the facilitation of meetings with foreign counterparts on certain asset recovery cases, and consultative legislative assistance. In May 2021, the StAR Initiative had supported the development of a joint administrative instruction on investigations and operational search activities involving several institutions. That support had led to an important legislative amendment related to bank secrecy legislation in Uzbekistan. The legislative amendment had allowed for the exchange of bank secrecy information between the prosecution, investigative and intelligence authorities, as well as with competent authorities of other States.

5. A panellist from the StAR Initiative presented an overview of the Initiative's work in the period 2020–2021. Adapting to the conditions of the pandemic, the Initiative provided technical support to 18 countries, ranging from assistance on legislative reforms, capacity-building in financial investigations and legal tools for asset recovery, to supporting domestic inter-agency coordination and facilitating international cooperation between States. Among the successes achieved, of the 11 States receiving assistance on legislative reform, four States had adopted new laws or amendments related to asset recovery; and of the six States receiving support on the enhancement of domestic coordination mechanisms, two States had successfully implemented a new domestic coordination agency or mechanism. In one example given, the assistance provided contributed to the successful prosecution and conviction of a grand corruption case and the related recovery by the State of \$43 million. The panellist shared two highlights from the past year: how the StAR Initiative supported legislative anti-corruption reforms in Ukraine by assisting the reinstatement of the asset declaration system after a challenge by the Constitutional Court, and strengthening sanctions in that country for making false declarations; and advising on legislation on civil recovery in foreign jurisdictions. In Mongolia, the StAR Initiative provided workshops to enhance the capabilities of authorities to investigate and prosecute corruption, money-laundering and asset recovery cases, which improved coordination between law enforcement and prosecutorial agencies through the adoption of a new case management system. In addition, the StAR Initiative had long played an important role as an honest broker between requesting and requested States, facilitating bilateral talks and giving guidance on informal cooperation prior to transmitting requests for mutual legal assistance, and has continued to provide such assistance to States over the past year. The panellist said that going forward, the Initiative would increasingly focus on financial centres and the role of professional gatekeepers and enablers, especially in the Initiative's policy and knowledge work. He referred to the many resources available on the Initiative's new website, including the updated second edition of the *Asset Recovery Handbook: A Guide for Practitioners*, a how-to manual for practitioners published by the StAR Initiative in December 2020, and concluded his presentation by referring to forthcoming research and knowledge tools, including the collection of data on asset recovery cases.

6. A panellist from Ecuador described how the StAR Initiative had supported his country in building capacity and enhancing its institutional and regulatory framework for asset recovery. An initial workshop had been held in 2018, and in September 2019, Ecuador had established the Group of Inter-Agency Focal Points for Asset Recovery.

He explained that the objectives of the Group, which comprised 11 institutions, were to coordinate, propose and strengthen policies, actions and strategies for the location and recovery of assets. Since November 2019, despite the pandemic, 10 ordinary and 6 extraordinary meetings had been held, which had made it possible to identify several cases deemed to have a high probability of leading to asset recovery. In February 2021, the National Assembly had adopted a law that, among other changes, led to the establishment of new criminal offences with a view to combating corruption, including overpricing in public procurement, private corruption and obstruction of justice. The law also included compliance provisions as preventive measures in the fight against corruption. He concluded by informing the Implementation Review Group that, in May 2021, Ecuador had adopted a law on non-conviction-based forfeiture.

7. In the ensuing discussion, one speaker underscored that many obstacles could be overcome by strengthening central authorities or by establishing them in cases where they did not yet exist. The speaker highlighted that that was a critical component of communication and international cooperation, but that it was often overlooked in the delivery of technical assistance. She noted that technical assistance in that area could have the added benefit of developing good relations among countries and that enhancing the capacity of central authorities would also improve cooperation among countries in corruption investigations. In concluding, she noted that her country relied on the findings of the implementation reviews to guide its support and technical assistance activities, and she raised a question regarding the frequency of use of the UNODC Mutual Legal Assistance Request Writer Tool in capacity-building.

8. In a follow-up comment, the panellist from North Macedonia noted that her country primarily relied on bilateral treaties and European Union conventions for mutual legal assistance requests. Her Government had used the Convention against Corruption as a legal basis in only very few instances. The templates established for mutual legal assistance requests were never used, which was an area requiring more attention. Subsequently, the panellist from the World Bank informed the Group that the StAR Initiative frequently used the Request Writer Tool as a starting point in its delivery of technical assistance on mutual legal assistance. A representative of the secretariat noted that the updated Request Writer Tool featured a more sophisticated interface, and he added that UNODC also worked with central authorities to improve the content and quality of requests.

9. In highlighting the role of customs authorities in the global supply chain and in asset recovery efforts, a speaker from the World Customs Organization described his organization's capacity-building activities, which included corruption risk assessments, anti-corruption diagnostic missions, training on mechanisms for internal control and stakeholder engagement, and awareness-raising for serving customs officers.