



# 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 an overview of the technical assistance needs emerging from the second cycle country reviews, with a particular focus on chapter V of the Convention (Asset recovery). She urged all States that had not yet done so to submit responses to the questionnaire on technical assistance that had been sent out by the secretariat in February 2021. An analysis of the responses received would be presented to the Conference of the States Parties to the Convention at its ninth session. In providing an overview of the needs identified in the second cycle, she noted that of the 57 States parties that had finalized their reviews, 39 had identified a total of 455 individual technical assistance needs. Overall, those technical assistance needs remained in line with the previous analysis, with the largest number of needs related to capacity-building, followed by legislative assistance and institution-building.

2. In relation to chapter V, the representative of the secretariat noted that 37 needs had been identified by 19 States with respect to article 51, on the fundamental principle of the return of assets. That was followed by article 54, on mechanisms for the recovery of property through international cooperation in confiscation (32 needs identified by 19 States), and article 52, on the prevention and detection of transfers of proceeds of crime (20 needs identified by 14 States). In closing, the representative highlighted that, given the interconnected nature of article 52 and article 14, on measures to prevent money-laundering, the two articles represented an aggregate total of 44 technical assistance needs identified by 19 States, which meant that measures to prevent and counter money-laundering were the subject in relation to which the largest number of technical assistance needs had been identified.

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

3. In the panel discussion on technical assistance, a panellist from Timor-Leste presented how his country had made use of technical assistance to address the outcomes of its first cycle country review and to reinforce its anti-corruption framework. He explained that, as a young nation, his country had benefited from international support in its State-building efforts, including in the drafting of its Constitution, the establishment of core institutions and policy development. He noted that his country had also benefited from technical assistance by participating in



training events held in different countries, and that multilateral and bilateral support had allowed further capacity-building in the country itself. In response to another recommendation that had emanated from the country review, a transparency portal for budgeting and execution had been established, and efforts to develop e-procurement and e-planning platforms in the Office of the Prime Minister were ongoing. The panellist noted that, in order to harness the power of information and communications technology, an information technology body was assisting the Court of Appeal and the Anti-Corruption Commission in the development of an electronic system for asset declarations. He highlighted the development of the Law on Measures to Prevent and Combat Corruption of 2020 as an example of good cooperation at the national and international levels, involving civil society, the United Nations Development Programme and UNODC. The law addressed several recommendations emanating from the first cycle review. Despite all the progress that had been made, the harmonization of legal frameworks, including on mutual legal assistance and asset recovery, continued to be an area in which further technical assistance was required. He concluded by underscoring the importance of international cooperation as a mutual commitment to working together, given the varying strengths and weaknesses of different countries, towards the common goal of combating corruption.

4. A panellist from North Macedonia presented her country's legal framework on international cooperation for the purpose of asset recovery. After noting that her country's second cycle review had recently been completed and published, she provided a brief overview of her country's confiscation system. North Macedonia applied both conviction-based and non-conviction-based confiscation, but the latter was used exclusively for corruption offences where, owing to practical or legal obstacles, prosecution of the offender was not possible. At the same time, a lack of practical experience had led to limited awareness among practitioners of how to apply the relevant provisions, and therefore changes to the confiscation procedure were under way. Concerning assets of unknown origin, her country had sought information about the experiences of other countries in civil forfeiture, and a draft law was pending. North Macedonia had recently adopted a new law on mutual assistance in criminal matters, which entered into force in April 2021 and established the European Union Agency for Criminal Justice Cooperation (Eurojust) and the European Union Asset Recovery Offices as official communication channels. In addition, she noted the technical assistance provided by UNODC, including training in asset recovery. She concluded by outlining the remaining needs relating to her country's Asset Recovery Office, which had been established in 2019, including its capacity-building needs related to the use of technologies and the preparation of manuals and training. She also extended her gratitude to UNODC and the European Anti-Fraud Office as technical assistance providers that had enabled North Macedonia to start taking on asset recovery cases.

5. Following that presentation, one speaker, noting the operational support received from and cooperation established with Eurojust, asked whether any thought had been given to cooperation with the recently established European Public Prosecutor's Office. In reply, the panellist highlighted that thought had indeed been given to such cooperation and that her country had also sought the views of other States in that regard. She indicated that, while North Macedonia would do everything possible to coordinate and cooperate with the Office, no form of official cooperation had been foreseen yet.

6. A panellist from Zimbabwe presented her country's experiences in asset recovery and spoke about how technical assistance had supported efforts to overcome challenges and build capacities. After presenting the mandate of the Zimbabwe Anti-Corruption Commission, she explained that the Commission could direct the Commissioner General of Police to investigate cases, refer matters to the National Prosecuting Authority and request assistance from the police and other investigative agencies of the State. Concerning asset recovery, an asset forfeiture and recovery unit had been established, and both criminal confiscation and civil forfeiture were possible, with the latter carried out through unexplained wealth orders. After

introducing the multiple stakeholders involved in her country's asset recovery efforts, she referred to capacity-building activities carried out by the StAR Initiative, including in-person training on financial investigations in 2020. As a result of the pandemic, further training activities had been organized in an online format. Before concluding, and as a means of showcasing the impact of the capacity-building efforts, she shared information about recent cases of international cooperation and asset recovery.

7. In reply to a question, the panellist indicated that the unexplained wealth order legislation adopted in her country was based on a similar system in the United Kingdom, following a recommendation from the Financial Action Task Force (FATF).

8. A panellist from the International Centre for Asset Recovery of the Basel Institute on Governance outlined the work of the Institute in strengthening the capacities of partner countries to recover stolen assets. That work was based on the theory of change, involving expertise and knowledge, partnerships and networks, and convening power to achieve the outcomes of more effective anti-corruption chains, including sanctions and recovering assets, and stronger legal and institutional frameworks. The Institute's work was demand-driven and led by practitioners with a view to long-term engagement and collaborative work with the partner countries. The success achieved included the more than 80 active cases, the recovery of more than \$100 million in assets, the creation of an adaptive and individualized virtual and in-person training curriculum, the establishment of several inter-agency asset recovery units, the establishment of long-term programmes in 10 partner countries, and innovations relating to non-conviction-based forfeiture, virtual currencies, illicit enrichment and information-sharing in the public and private sectors.

9. In the ensuing discussion, one speaker highlighted her country's efforts to establish an online platform to enhance transparency in the use of returned assets. The platform would make use of open source information, and her country envisaged making the technology behind the platform available to other States. To that end, the speaker asked the panellist to provide any recent examples of jurisdictions that had improved their transparency in how they used assets returned to them. The panellist acknowledged that there continued to be reluctance with respect to transparency in asset recovery cases. However, greater visibility with respect to assets returned would ensure accountability and build trust in anti-corruption efforts. Although the panellist agreed with another speaker that the establishment of interdisciplinary asset recovery units could be considered a good practice, she pointed out that the establishment of a new institution was not necessarily required as the same could be achieved through mechanisms for better coordination. She gave the example of a country in which staff from multiple government offices involved in asset recovery efforts were co-located, which had resulted in greatly improved and expedited sharing of information and interactions.

10. Several speakers shared information on how technical assistance had been delivered during the COVID-19 pandemic by means of an increased use of information and communications technology. Underscoring the importance of employing such technologies, one speaker noted the use of innovative practices in public procurement to prevent corruption and ensure the provision of medical equipment. Another speaker referred to the use during the pandemic of videoconferences for hearings of witnesses and the electronic submission of evidence. One speaker suggested that UNODC could prepare a compilation of good practices in the use of information and communications technology in international legal cooperation in order to further implementation of new initiatives and share information.

11. One speaker described the training programmes on mutual legal assistance for combating corruption and money-laundering offered by the Ministry of Justice of his country, explaining that, although an online version of the training had existed since 2013, in response to the COVID-19 pandemic the training had been further adapted and enhanced in 2020, with online training sessions foreseen to continue even as

in-person training resumed in 2022. One course included the use and development of applications in investigations, which was aimed at enhancing the use of information and communication technologies for the purpose of asset recovery. The speaker emphasized that his country stood ready to support other States through anti-corruption training, and the training had already been successfully used in several Portuguese-speaking countries.

12. One speaker requested UNODC to deliver technical assistance to support and build the capacities of the newly established national anti-corruption authority, which through a constitutional amendment, had become an independent authority. The speaker also requested the support of UNODC in facilitating the involvement of civil society in the anti-corruption efforts of his Government.

13. Several speakers highlighted the importance of the Convention as the basis for anti-corruption efforts and noted that technical assistance remained a vital component of the Convention and the Implementation Review Mechanism. Many speakers highlighted how the outcomes of the first and second cycles had triggered reform efforts, often involving technical assistance, while other speakers sought technical assistance for their countries, both to prepare for their upcoming reviews and to respond to the outcomes of those under way or finalized.

14. One speaker underscored that the challenges for successful asset recovery in his country would continue, as they were similar to those identified in the most recently completed country reviews. He urged States to provide enhanced support to the joint UNODC/World Bank StAR Initiative and enable more capacity-building and technical assistance.

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