

Annex 2 [Note verbale reference: CU 2023/225/DTA/CEB/CSS]

“Progress made and challenges encountered in implementing resolution 9/1”

States parties are invited to provide relevant information in line with paragraph 25 of resolution 9/1, entitled Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery, in which the Conference:

*[Requested] the secretariat to submit to the Conference of the States Parties at its tenth session a report on **progress made and challenges encountered in implementing [resolution 9/1]**¹.*

A. Contact Information

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

Country: Belgium

Government Agency:FPS Foreign Affairs

Department:DGM (World Issues) – M4

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Questions

1. Progress made

Please describe the measures or steps your country has taken (or is planning to take, together with the related appropriate time frame) to implement operative paragraphs 1 to 21 of resolution 9/1. *Please state the relevant operative paragraphs in your answer.*

1.Encourages States parties to further the full and effective use of the United Nations Convention against Corruption to develop, put in place and, where appropriate, improve and strengthen anti-corruption policies and strategies, in accordance with domestic law, to ensure emergency preparedness and address corruption during times of emergencies and crisis response and recovery;

¹ Please note that the secretariat has collected information on the implementation of paragraphs 22 and 23 of resolution 9/1 separately.

A: Setting up specific anti-corruption training courses as well as more general training on ethics and integrity (e-learnings, workshops, etc.).

2. *Also encourages* States parties to continuously monitor and review the anti-corruption measures implemented during the ongoing coronavirus disease (COVID-19) pandemic and other times of emergencies and crisis response and recovery and to monitor the impact of the COVID-19 pandemic on corruption-related trends, keeping in mind that corruption risks may have increased during the pandemic;

A: Internal inspection units carry out specific monitoring of breaches of integrity within the FPS Finance. They transmit information to the Personnel & Organisation Staff Department for any disciplinary follow-up and to the Public Prosecutor's Office if there are indications of corruption.

3. *Further encourages* States parties, in accordance with the fundamental principles of their legal system, to afford anti-corruption bodies, supreme audit institutions and other relevant entities the appropriate mandates and the necessary independence and resources to carry out their functions effectively and free from undue influence, including, where relevant, in coordinating anti-corruption efforts, during times of emergencies and crisis response and recovery, and to strengthen political will in this regard;

A: The FPS Finance has internal inspection units in order to to enable its staff to report a potential breach of integrity. A Federal Internal Audit department is also able to carry out investigations and audits within the FPS Finance and a department of the Federal Ombudsman (independent entity) also has a memorandum of understanding with the FPS Finance in order to be able to intervene within the FPS Finance in total independence.

4. *Calls upon* States parties to prevent opportunities for public officials to use their status, influence or insider knowledge to profit from procurement processes or the design, allocation, distribution or management of crisis response and recovery measures by requiring public officials to disclose potential conflicts of interest and ensuring appropriate review, management and sanction mechanisms, in accordance with domestic law;

A: A training course outlining the limits on overlapping is included within the FPS Finance. A specific unit within the Staff Department Personnel & Organisation is available to answer any questions staff may have about overlapping and to help them make the right decisions when they wish to take up other duties. In this way, the risks of conflicts of interest are reduced, since limits are set (up to and including outright refusal).

If a staff member is subject to a conflict of interest or takes up another undeclared duty, disciplinary proceedings may be initiated, depending on the circumstances.

Finally, FAQs are available on Intranet for each staff member of the FPS Finance as well as contact details allowing them to ask questions about their personal situation.

5. *Urges* States parties to establish and, where necessary and appropriate, further strengthen, through the whole public procurement cycle, transparent, competitive and objective public procurement systems conducted by electronic means, if feasible within their means and in accordance with their domestic law, and to develop and improve guidelines for the use and governing of emergency procurement procedures that integrate anti-corruption

safeguards to help ensure transparency, oversight and accountability during times of emergencies and crisis response and recovery, including by supreme audit institutions and other oversight bodies;

A: Department staff in charge of public procurement contracts have undergone specific “Integrity” training to give them a better understanding of the risks associated with their duties and the various players involved in integrity, so that they know who to contact if necessary.

6. *Also urges* States parties to have in place sufficient internal audit systems and, where necessary, to strengthen them to help monitor the allocation and distribution of emergency relief and ensure the implementation of measures to prevent corruption during times of emergencies and crisis response and recovery, in accordance with their domestic legal frameworks;

A: Each year, Internal inspection reports on the integrity situation in their entities and adapt the annual action plans accordingly. This is not internal audit per se. At the federal level, the FIA/ Federal Internal Audit is competent for internal audit. It carries out its audits and submits its conclusions, which are taken into account by the FPS Finance.

7. *Encourages* States parties to have in place transparency and accountability measures in managing public finances during times of emergencies and crisis response and recovery and, where necessary, to enhance them, including by presenting budget items to ensure that budgets and accounts are available for public access, using flexible and effective financial distribution policies to manage funds allocated for relief and enabling supreme audit institutions and other relevant entities to perform their functions in this regard, especially by upholding policies and procedures for the management of public finances, in accordance with the fundamental principles of domestic law, with a view to easing the burden on, and improving the conditions of, people in vulnerable situations;

N/A

8. *Reaffirms* States parties’ commitment to improving their understanding of the linkages between gender and corruption, including the ways in which corruption can affect women and men differently, including during times of emergencies and crisis response and recovery, and to continuing to promote gender equality and the empowerment of women in this regard, including by mainstreaming it in relevant legislation, policy development, research, projects and programmes, as appropriate and in accordance with the fundamental principles of domestic law;

The FPS Finance has introduced a specific policy on this issue. A charter “La Diversité des genres/Gender diversity” and a “gender mainstreaming” taskforce have been set up within the department. The taskforce’s objective is to help the Minister to fulfil its commitments in relation to gender mainstreaming.

The objectives of this taskforce are to:

- **Produce and analyse relevant gender statistics,**

- **suggest the legislative changes needed to take better account of the gender dimension and attempt to eliminate any indirect discrimination that has been highlighted.**

9. *Urges* States parties to incorporate and implement corruption risk management processes, in particular in institutions responsible for or concerned with crisis response and recovery, to help identify and mitigate potential corruption risks when designing, administering and managing the whole cycle of public procurement and relief measures, in accordance with the fundamental principles of their legal systems;

See reply to No. 5

10. *Calls upon* States parties, where appropriate, to adopt or strengthen the anti-corruption measures necessary for private sector compliance with applicable laws and regulations, including with due regard for data protection and privacy rights, and to continue efforts to promote the development of codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest;

N/A

11. *Reaffirms* States parties' commitment to making efforts in international cooperation and taking appropriate measures to enhance beneficial ownership transparency by ensuring that adequate, accurate and timely beneficial ownership information is available and accessible to competent authorities and by promoting beneficial ownership disclosures and transparency, such as through appropriate registries, where consistent with the fundamental principles of domestic legal systems, and encourages States parties to take such measures also during times of emergencies and crisis response and recovery;

The FPS Finance already has systems and agreements in place for transferring information to third countries in compliance with the rules and standards in force.

12. *Calls upon* States parties to investigate and prosecute offences established in accordance with the Convention against Corruption that result in unfair commercial practices, such as price gouging and the manipulation of the prices of essential goods and services or bids, especially those needed to respond during times of emergencies and crisis;

N/A

13. *Encourages* States parties to reinforce and enhance inter-agency cooperation at all levels to prevent individuals and companies, other legal entities, and systems used to transfer money, as well as non-regulated or unregistered financial or commercial or non-commercial entities at serious risk of being abused for corruption and money-laundering, from committing or being used to facilitate acts of corruption, including during times of emergencies and crisis response and recovery, and to encourage and support companies and financial institutions in this regard, including to make better use of resources already expended;

Belgium is member of the FATF and is committed to complying with its standards. Among the 40 FATF recommendations is one on inter-agency cooperation. This is Recommendation 2.

The implementation of this standard is subject to peer review both from the point of view of legal compliance and the efficiency of the fight against money laundering and the financing of terrorism.

The last assessment of Belgium was published by the FATF in April 2015. A follow-up report was published in 2018. The next assessment will start in 2024.

For recommendation 2, Belgium was assessed as largely compliant.

CTIF/CFI is the administrative body in charge of implementing the AML/CFT prevention policy. Its prerogatives are set out in the Law of 18 September 2017 on the prevention of money laundering and terrorist financing and on the restriction of the use of cash.

As such, it collaborates fully with the FPS Finance and its tax authorities.

The Anti-Fraud Coordination Service (AFCOS) is CTIF/CFI's point of contact for the tax administrations of the FPS Finance. The General Administration of Customs and Excise also has a liaison officer at CTIF/CFI. The General Administration of the Treasury is responsible for the UBO register (register of beneficial owners).

CTIF/CFI collects the information required for its analyses from the FPS Finance (CAF). (Article 81, §1, 4°)

CTIF/CFI also receives reports of suspicions of money laundering made by tax agents based on observations made during their duties (Article 79, §2, 2°).

CTIF/CFI may also receive useful information spontaneously transmitted by the FPS Finance. (Article 81, §3).

CTIF/CFI transmits to the CAF the relevant elements of cases referred to the Public Prosecutor's Office when the crime underlying the money laundering is serious tax fraud, whether organized or not (Article 83, §2).

14. *Also encourages* States parties to take anti-corruption measures to ensure that adequate safeguards are in place regarding the use of emergency executive authority during times of emergencies and crisis response and recovery, such as legislative oversight, committee reports and monitoring mechanisms, in accordance with their domestic legal frameworks;

N/A

15. *Urges* States parties to take measures, within their means and in accordance with the fundamental principles of their domestic law, to provide the public with timely information during times of emergencies and crisis response and recovery, to prevent and combat corruption and to counter misinformation;

The FPS Finance provides the public with a complaints channel that can be accessed via various means, and has done everything in its power to ensure that the various information and complaints channels are and remain accessible to the public.

16. *Notes with appreciation* the important role of civil society, academia, the private sector and the media in identifying, detecting and reporting on cases of corruption and, in this regard, urges States parties to take appropriate measures, within their means and in accordance with the fundamental principles of domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations, community-based organizations and the private sector, 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, including during times of emergencies and crisis response and recovery, encourages States parties to respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption, which may be subject to certain restrictions, such as are provided for by law and are necessary for respect of the rights or reputations of others and for the protection of national security, public order or public health or morals, and also encourages States parties to consider inviting those individuals and groups to contribute to the development and implementation of technical assistance programmes, upon request and based on the needs identified for the implementation of the provisions of the Convention against Corruption, and making efforts so that the conditions are present for their effective contribution to achieving the objectives of the Convention, including the ability to operate independently and without fear of reprisal because of their efforts in that regard, in accordance with domestic law and their respective applicable international obligations;

N/A

17. *Calls upon* States parties to establish and, where appropriate, diversify and strengthen confidential complaint systems and protected reporting systems that are accessible and inclusive to facilitate the timely reporting of and to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds any facts concerning offences established in accordance with the Convention against Corruption, including as they relate to the allocation, distribution, use and management of emergency relief;

The FPS Finance allows to submit a report or complaint via the internal website or by post. Besides, complaints are dealt with by specific departments and a link to the Ombudsman's contact details is systematically provided to enable citizens who feel they have not been dealt with properly to have another channel for complaint (external this time).

18. *Encourages* States parties to, as appropriate and in accordance with domestic law and their respective applicable international obligations, develop and strengthen the use of reliable, high-quality, timely and effective electronic communication channels that enable anti-corruption bodies, supreme audit institutions and other relevant entities to rapidly share timely information at the national and international levels through existing mechanisms, including those of the International Criminal Police Organization (INTERPOL), and consider accepting electronic copies in the sending and receiving of mutual legal assistance requests, including during times of emergencies and crisis response and recovery, and notes the new Global Operational Network of Anti-Corruption Law Enforcement Authorities, which aims to develop a quick, agile and efficient tool for combating cross-border corruption offences, strengthen communication exchange and peer learning between competent anti-corruption

law enforcement authorities and complement and coordinate with existing and efficient tools for international cooperation;

N/A

19. *Also encourages* States parties to provide the necessary training and resources to ensure that relevant officials of oversight institutions have the tools and expertise required to analyse data and information to inform crisis planning, response and recovery, and in this regard further encourages States parties to take advantage of capacity-building and training programmes provided by the United Nations Office on Drugs and Crime and other relevant international organizations and institutions, such as the International Anti-Corruption Academy, to increase public awareness and integrity;

N/A

20. *Urges* States parties to collect and exchange best practices in preventing and fighting corruption and lessons learned concerning the use, availability and impact of data and digital tools, where feasible and taking into consideration the different circumstances of respective countries, to inform crisis response and recovery measures and help build, implement and maintain resilient emergency response systems;

N/A

21. *Recalls* article 43 of the Convention against Corruption, in which States parties are mandated to cooperate in criminal matters and, where appropriate and consistent with their domestic legal systems, consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption, also recalls article 46 of the Convention, in which States parties are mandated to afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by the Convention, through central authorities, and urges States parties to assist one another, including through joint or parallel investigations and bilateral sharing of capacity and expertise, where appropriate, through INTERPOL, including during times of emergencies and crisis response and recovery;

N/A

2. Challenges encountered

Please describe any challenges your country has encountered in implementing operative paragraphs 1 to 21 of resolution 9/1 regarding strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery. *Please state the relevant operative paragraphs in your answer.*