



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

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## Ninth session

Sharm el-Sheikh, Egypt, 13–17 December 2021

Item 2 of the provisional agenda\*

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

## Activities of the Implementation Review Group

### Note by the Secretariat

#### I. Introduction

1. Pursuant to article 63, paragraph 5, of the United Nations Convention against Corruption, the Conference of the States Parties is to acquire the necessary knowledge of the measures taken by States parties in implementing the Convention, and the difficulties encountered by them in doing so, through information provided by them and through such supplemental review mechanisms as may be established by the Conference.

2. In its resolution 1/1, adopted at its first session, the Conference agreed that it was necessary to establish an appropriate mechanism to assist it in reviewing the implementation of the Convention and decided to establish an open-ended intergovernmental expert working group to make recommendations to the Conference. In the same resolution, the Conference underlined the characteristics that the review mechanism should have.

3. In its resolution 2/1, the Conference set out additional principles that the review mechanism should reflect and tasked the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption with preparing terms of reference for a review mechanism for consideration, action and possible adoption by the Conference at its third session.

4. At its third session, the Conference adopted resolution 3/1, establishing the Mechanism for the Review of Implementation of the Convention, in accordance with article 63, paragraph 7, of the Convention. The annex to resolution 3/1 contains the terms of reference of the Mechanism, as well as the draft guidelines for governmental experts and the secretariat in the conduct of country reviews and the draft blueprint for country review reports.

5. In the same resolution, the Conference established the Implementation Review Group, the functions of which are to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure the effective implementation of the Convention. The thematic implementation reports serve as the basis for the analytical work of the

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\* [CAC/COSP/2021/1](#).



Group. On the basis of its deliberations, the Group submits recommendations and conclusions to the Conference for its consideration and approval.

6. The Conference decided that each implementation review phase would be composed of two review cycles of five years each. It also decided to review the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention during the first cycle and the implementation of chapters II (Preventive measures) and V (Asset recovery) of the Convention during the second cycle.

7. In its decision 5/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, the Conference decided that the Implementation Review Group should begin promptly to collect, with the support of the secretariat, and discuss relevant information in order to facilitate the assessment of performance in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle. The Conference also decided that the Group should include in its future sessions an agenda item allowing for the discussion of such information, and that it should, in the collection of that information, take into account future requirements for follow-up in accordance with paragraphs 40 and 41 of the terms of reference.

8. In its resolution 6/1, entitled “Continuation of the review of implementation of the United Nations Convention against Corruption”, the Conference launched the second cycle of the Mechanism, pursuant to paragraph 13 of the terms of reference of the Mechanism and in line with Conference resolution 3/1. It decided that one fifth of the States parties were to be reviewed in each of the five years of the second review cycle and 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.

9. At its eighth session, the Conference adopted resolution 8/2 in which it, *inter alia*, encouraged States parties to keep using the Implementation Review Group as a platform for the voluntary exchange of information on national measures taken during and after the completion of country reviews, including strategies adopted, challenges encountered and best practices identified, as well as, where appropriate, the follow-up to the recommendations made in the country review reports, while taking into account the need for efficient discussions and decision-making processes in the sessions of the Group. In the same resolution, the Conference welcomed the important and useful thematic implementation reports, regional supplementary addenda and updates on technical assistance needs prepared by the secretariat for the consideration of the Implementation Review Group, and encouraged States parties, the United Nations and other stakeholders to make full use of those documents. Further, the Conference requested the Implementation Review Group to continue to hold regular sessions at least once a year, based on an annotated provisional agenda and programme of work issued as early as possible in order to enable the States parties to plan the composition of the delegations and prepare for focused and efficient discussions on the main topics of the session, and, while taking into consideration the directions of the Conference, being able to adjust topics of discussion to maximize the effectiveness of its discussions and work outcomes. In addition, the Conference encouraged the secretariat to continue to strengthen synergies with the secretariats of other relevant multilateral international organizations in the field of anti-corruption, within their respective mandates, to avoid duplication of efforts and enhance the performance of the various review mechanisms. The Conference requested the Secretariat to submit a report to the Conference at its ninth session on the implementation of resolution 8/2.

10. Furthermore, at its eighth session, the Conference adopted a workplan for the subsidiary bodies of the Conference for the period 2020–2021.<sup>1</sup> Subsequently, on the basis of a recommendation of the Bureau of the Conference, the programme of work of the subsidiary bodies was adjusted in the light of circumstances related to the coronavirus disease (COVID-19) pandemic.

11. The present note has been prepared to inform the Conference of the Group's activities and assist the Conference in its deliberations on the Group's future activities. The present report should be considered in conjunction with the note by the Secretariat on the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (CAC/COSP/2021/2) and the note by the Secretariat containing views of States parties to the United Nations Convention against Corruption on the performance of the Implementation Review Mechanism (CAC/COSP/2021/4).

## II. Activities of the Implementation Review Group

12. Since the eighth session of the Conference, the Group has continued to discharge its functions as mandated by the Conference and to implement the mandates contained in the relevant resolutions adopted by the Conference, despite circumstances arising from the COVID-19 pandemic and its impact on the organization of intergovernmental meetings.

13. To date, the Implementation Review Group has held 12 sessions, as follows: first session from 28 June to 2 July 2010; resumed first session from 29 November to 1 December 2010; second session from 30 May to 2 June 2011; resumed second session from 7 to 9 September 2011; continued resumed second session on 25 October 2011, during the fourth session of the Conference; third session from 18 to 22 June 2012; resumed third session from 14 to 16 November 2012; fourth session from 27 to 31 May 2013; resumed fourth session on 26 and 27 November 2013, during the fifth session of the Conference; fifth session from 2 to 6 June 2014; resumed fifth session from 13 to 15 October 2014; sixth session from 1 to 5 June 2015; resumed sixth session on 3 and 4 November 2015, during the sixth session of the Conference; seventh session from 20 to 24 June 2016; resumed seventh session from 14 to 16 November 2016; eighth session from 19 to 23 June 2017; ninth session from 4 to 6 June 2018; first resumed ninth session from 3 to 5 September 2018; second resumed ninth session from 12 to 14 November 2018; tenth session from 27 to 29 May 2019; first resumed tenth session from 2 to 4 September 2019; and second resumed tenth session on 17 and 18 December 2019, during the eighth session of the Conference. Since the start of the COVID-19 pandemic, which coincided with the period under review, the Group has held its sessions in either an online or a hybrid format (in person and online). The following sessions were held in 2020 and 2021: eleventh session on 29 June 2020 (held with a reduced duration in an online format), first resumed eleventh session from 31 August to 2 September 2020 (hybrid format), second resumed eleventh session from 16 to 18 November 2020 (online format), twelfth session from 14 to 18 June 2021 (hybrid format) and resumed twelfth session from 6 to 10 September 2021 (hybrid format).

14. The Group held thematic and technical assistance meetings jointly with the Open-ended Intergovernmental Working Group on the Prevention of Corruption on 31 August and 1 September 2020, and on 16 and 17 June 2021. In addition, the Group held joint meetings with the Working Group on Asset Recovery and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption from 16 to 18 November 2020 and from 6 to 10 September 2021. The joint meetings were held in line with Conference resolution 6/1, in which the secretariat was requested to structure the provisional agendas of the Implementation Review Group and the other subsidiary bodies established by the Conference in such a way as to avoid the duplication of discussions

<sup>1</sup> See CAC/COSP/2019/17, para. 102, and annex III.

while respecting their mandates, as well as pursuant to the workplan adopted for the period 2020–2021, as subsequently amended by the Bureau of the Conference.

15. Summaries of the activities of the Implementation Review Group during the reporting period are contained in the reports on its sessions held in 2020 and 2021.<sup>2</sup>

### **Overview of the review process**

#### **(a) Drawing of lots**

16. In its resolution 6/1, the Conference requested the Group to proceed, at the beginning of its seventh session, with 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 Mechanism. The Conference also requested the 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 Mechanism and without prejudice to the right of a State party to request that the drawing of lots be repeated at the subsequent intersessional meeting or regular session of the Group.

17. At its first session, the Group decided that States ratifying or acceding to the Convention after the drawing of lots would be reviewed in the fifth year of the first review cycle. In its resolution 4/1, the Conference endorsed the practice followed by the Group with regard to the procedural issues arising from the drawing of lots.

18. An intersessional meeting open to all States parties for the purpose of the drawing of lots was held on 25 June 2020 to draw lots for the selection of the reviewing States parties for the fifth year of the second review cycle. In addition, lots were drawn to determine the reviewing States parties for the first cycle reviews of those States parties that had become parties to the Convention since the previous drawing of lots at the tenth session of Group. At an intersessional meeting of the Group held on 25 June 2020, lots were drawn for the States parties under review in the fifth year of the second cycle, and lots were also drawn for the review of Tonga for the first and second cycles of the Mechanism. On 14 June 2021, during the twelfth session of the Group, lots were drawn for the review of the European Union for the first and second review cycles, and on 6 September 2021, during the resumed twelfth session of the Group, lots were drawn for the review of Somalia for the first and second review cycles. Redraws in connection with the first and second review cycles were carried out during a resumed session of the intersessional meeting, held on 26 June 2020, at the eleventh session of the Group, as well as at the twelfth session of the Group on 14 June 2021 and at the resumed twelfth session of the Group on 6 September 2021.<sup>3</sup>

#### **(b) Performance of the Implementation Review Mechanism and the state of implementation of the Convention**

19. During the period under review, the Group considered item 2, entitled “Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, on the agendas of its eleventh, second resumed eleventh, twelfth and resumed twelfth sessions. The Group considered item 4, entitled “State of implementation of the United Nations Convention against Corruption”, at its first resumed eleventh, second resumed eleventh, twelfth and resumed twelfth sessions.

20. The secretariat presented for the consideration of the Group at its regular sessions held on 29 June 2020 and from 14 to 18 June 2021 notes by the Secretariat on the performance of the Mechanism for the Review of Implementation of the United

<sup>2</sup> CAC/COSP/IRG/2020/5, CAC/COSP/IRG/2020/5/Add.1 and CAC/COSP/IRG/2020/5/Add.2, CAC/COSP/IRG/2021/6 and CAC/COSP/IRG/2021/6/Add.1.

<sup>3</sup> The updated country pairings for the first and second review cycles are available on the website of the Implementation Review Mechanism ([www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html](http://www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html)).

Nations Convention against Corruption.<sup>4</sup> In addition, at the resumed sessions of the Group at which item 2 was discussed, the secretariat provided oral updates on progress made in the conduct of the reviews in the first and second cycles, with a focus on the responses received to the self-assessment checklist, the direct dialogues conducted, the executive summaries and country review reports that had been finalized and the country review reports that had been made available on the website of the United Nations Office on Drugs and Crime (UNODC).

21. In that context, the Group, at its sessions held during the reporting period, *inter alia*, discussed the impact of the COVID-19 pandemic on the progress of the country reviews undertaken in the framework of the Mechanism. It was acknowledged that the pandemic was causing significant delays in completing country reviews. However, States parties indicated that the pandemic had not prevented them from undertaking desk-based tasks in the preparation of their reviews, and noted that the secretariat had undertaken initiatives to maintain and ensure business continuity. In addition, it was noted that the pandemic had brought to light the consequences of corruption associated with the purchase of protective equipment, thus exposing gaps in national procurement frameworks.

22. In reference to the outcomes of the second cycle reviews, the Group considered, at its sessions held in 2020 and 2021, initial trends observed on the basis of reviews of implementation of chapters II (Preventive measures) and V (Asset recovery), as contained in thematic reports prepared by the secretariat.<sup>5</sup> Moreover, a regional addendum, on the implementation at the regional level of chapter V (Asset recovery) of the United Nations Convention against Corruption, focusing on implementation of articles 52 and 53, was prepared by the secretariat for the consideration of the Group for the first time.<sup>6</sup>

23. At those sessions, the Group, *inter alia*, highlighted the importance of the Convention and its Implementation Review Mechanism, and representatives referred to follow-up measures taken by their Governments on the basis of recommendations emanating from country reviews.

24. At some sessions held during the reporting period, the Group discussed the organization of the special session of the General Assembly against corruption and the adoption of the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation.”

25. At the twelfth session of the Group, speakers noted that advancing the commitments set forth in the political declaration adopted by the General Assembly at its special session against corruption should be part of the preparations for the ninth session of the Conference.

#### *Panel discussions*

26. During the period under review, several panel discussions were organized under agenda item 4, entitled “State of implementation of the United Nations Convention against Corruption”. At the first resumed eleventh session of the Group, a panel discussion was held on the topic of reporting systems and protection systems for witnesses, experts, victims and reporting persons in accordance with articles 32 and 33 of the Convention. At the second resumed eleventh session, a panel was held on effective action against bribery, with a focus on criminalizing and enforcing bribery offences under articles 15 and 16 of the Convention, including measures aimed at strengthening cooperation with national authorities.

27. At the twelfth and resumed twelfth sessions of the Group held in 2021, panels were organized on the following topics: (a) measures to ensure that legal persons are

<sup>4</sup> [CAC/COSP/IRG/2020/2](#) and [CAC/COSP/IRG/2021/2](#).

<sup>5</sup> [CAC/COSP/IRG/2020/3/Rev.1](#), [CAC/COSP/IRG/2020/6](#), [CAC/COSP/IRG/2021/3](#) and [CAC/COSP/IRG/2021/7](#).

<sup>6</sup> [CAC/COSP/IRG/2021/8](#).

held accountable for corruption offences in accordance with chapter III of the Convention, in particular its article 26; (b) the effectiveness, proportionality and dissuasive effect of sanctions for corruption offences; (c) gaps and challenges in the implementation of the asset recovery provisions of the Convention; and (d) the implementation of article 53 of the Convention (measures for direct recovery of property).

*Enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption*

28. In its resolution 6/1, the Conference called 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. Subsequently, in its resolution 7/4, entitled “Enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption”, the Conference requested the secretariat to continue its dialogue with States parties and with the secretariats of other relevant multilateral mechanisms.

29. In its resolution 8/2, the Conference encouraged the secretariat to continue to strengthen synergies with the secretariats of other relevant multilateral organizations in the field of anti-corruption, within their respective mandates, to avoid duplication of effort and enhance the performance of the various review mechanisms, in accordance with its resolutions 6/1 and 7/4, and requested the secretariat to report to the Implementation Review Group on progress made in that regard.

30. Accordingly, at its twelfth session, the Group considered a report prepared by the secretariat on the progress made in the implementation of Conference resolution 7/4 on enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption.<sup>7</sup>

**(c) Technical assistance**

31. In its resolution 3/1, the Conference of the States Parties decided that the Implementation Review Group would be in charge of following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance.

32. In its resolution 4/1, the Conference took into account that, pursuant to paragraph 11 of the terms of reference, one of the goals of the Implementation Review Mechanism was to help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance.

33. In the same resolution, the Conference recognized the continuing and valuable role of technical assistance within the Mechanism, as well as the importance of country-led and country-based integrated and coordinated programming and delivery of technical assistance as an effective means of addressing technical assistance needs of States parties. Also in that resolution, the Conference requested the secretariat to continue to develop a three-tiered approach – global, regional and national – to the delivery of technical assistance in the light of the priority areas identified as a result of the review process.

34. In its resolution 6/1, the Conference underscored the importance of addressing the technical assistance priorities identified in the country reviews, and invited technical assistance providers to consider those priorities either for new technical assistance programmes or for incorporation into ongoing programmes.

35. In its resolution 7/3, the Conference, inter alia, encouraged UNODC to enhance dialogue, foster coordination and promote synergies with bilateral and multilateral assistance providers and donors to respond to the technical assistance needs of States

<sup>7</sup> CAC/COSP/IRG/2021/4.

parties more effectively, including the needs identified through the review process, and invited States parties, in completing the self-assessment checklist, to continue to identify technical assistance needs required for the implementation of the articles of the Convention and provide information regarding technical assistance already being provided.

36. In resolution 7/3, the Conference reiterated the importance of the Group considering, on the basis of the outcome of the review process and consistent with the terms of reference of the Implementation Review Mechanism, priority areas for the provision of technical assistance. In its resolution 8/2, the Conference, *inter alia*, welcomed the important and useful updates on technical assistance needs prepared by the secretariat for the consideration of the Group, and encouraged States parties, the United Nations and other stakeholders to make full use of those documents.

37. During the period under review, the Group considered information on technical assistance needs identified in the country reviews of the second cycle, at its first resumed eleventh, second resumed eleventh, twelfth and resumed twelfth sessions. In addition, at its twelfth session, the Group also considered an analysis of responses received to a note verbale regarding technical assistance needs arising from the Mechanism. The available information was synthesized and analysed in documentation prepared by the secretariat,<sup>8</sup> and the Group was also given oral updates under this item.

38. To facilitate the Group's deliberations on this item, panel discussions on technical assistance were organized during joint meetings on technical assistance held by the Group with other subsidiary bodies of the Conference, in relation to chapter II (Preventive measures), chapter IV (International cooperation) and chapter V (Asset recovery) of the Convention, as well as on general matters related to technical assistance.

**(d) Financial and budgetary matters**

39. In its resolution 3/1, the Conference underlined that the Implementation Review Mechanism would require a budget that ensured its efficient, continued and impartial functioning. Pursuant to that resolution, the General Assembly, in its resolution 64/237, requested the Secretary-General to ensure that the Mechanism was adequately funded.

40. In its resolution 4/1, the Conference decided that the Implementation Review Group should assist it in the fulfilment of its responsibility to consider the budget biennially by engaging with the secretariat during the intersessional period with regard to expenditures and projected costs related to the Mechanism.

41. During the period under review, the Group considered financial and budgetary matters under the appropriate agenda item, including documentation prepared by the secretariat containing budgetary information on expenditures incurred to date in relation to the operation of the Mechanism, resources received, both from the regular budget and from voluntary contributions, projected expenditures for the first and second cycles, the effects of cost-saving measures and the shortfall in resources required for the functioning of the Mechanism. The secretariat also updated the Group on the actual and possible implications of the liquidity crisis of the regular budget for the functioning of the Mechanism, as well as the financial impact of the COVID-19 pandemic.<sup>9</sup> The Group also considered, during the second resumed eleventh session and the resumed twelfth session of the Group, such information as provided by the secretariat in the form of oral updates.

42. The Group expressed its strong support for the Mechanism and its satisfaction with the transparency and regularity of the secretariat's financial reporting. The Group also underscored that the Mechanism continued to play a critical role in promoting

<sup>8</sup> CAC/COSP/IRG/2020/7 and CAC/COSP/IRG/2021/CRP.1.

<sup>9</sup> CAC/COSP/IRG/2020/4 and CAC/COSP/IRG/2021/5.

the effective implementation of the Convention and provided a platform to review progress in that regard.

**(e) Other matters**

43. In its resolution 8/2, the Conference welcomed the secretariat's practice of arranging and facilitating trilateral meetings among States parties under review and reviewing States parties on the margins of the sessions of the Implementation Review Group and encouraged States parties to make use of that helpful practice to enhance the efficiency of the review process. Owing to circumstances arising from the COVID-19 pandemic, no trilateral meetings could be held during the period under review.

44. In the same resolution, the Conference encouraged the Implementation Review Group to continue to conduct briefings on the outcomes of the review process for non-governmental organizations on the margins of the Implementation Review Group, in accordance with Conference resolution 4/6. Such briefings were held in September 2020, on the margins of the first resumed eleventh session, and in September 2021, on the margins of the resumed twelfth session.

**(f) Surveys to assess satisfaction with servicing of the Implementation Review Group meetings**

45. UNODC constantly strives to improve its service delivery. In that context, between June 2020 and September 2021, the Conference secretariat administered four surveys to assess delegations' satisfaction with the support it provided in relation to the sessions of the subsidiary bodies of the Conference. In 2020, a total of 201 responses were received from representatives of 83 States parties, with about 90 per cent of respondents rating the organization and servicing by the secretariat in support of the meetings as "excellent", "very good" or "satisfactory". The quality and timeliness of the documentation prepared by the secretariat were rated as "excellent", "very good" or "satisfactory" by 91 per cent of respondents.

46. In 2021, a total of 71 responses were received from representatives of 43 States parties, with 94 per cent of respondents rating the organization and servicing by the secretariat in support of the meetings as "excellent", "very good", or "satisfactory". The quality and timeliness of the documentation prepared by the secretariat were rated as "excellent", "very good" or "satisfactory" by 91 per cent of respondents.

47. Comments received from participants point to a preference for meetings to be held in person, while at the same time participants commended the secretariat for adopting a new format during the pandemic. Moreover, in view of the challenges associated with the hybrid format of the meetings, the secretariat endeavoured to facilitate the work of the Group, in particular for those representatives of States parties who participated online, by displaying on screens the agenda items and information about panels, as well as other measures.

### **III. Recommendations**

48. The Conference may wish to consider the activities carried out by the Group at its eleventh and twelfth sessions and adopt a workplan for the Implementation Review Group for the period 2022–2023.

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