



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

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## Experts convened to enhance international cooperation under the United Nations Convention against Corruption

### Third meeting

Vienna, 9-10 October 2014

### Provisional agenda and annotations

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Taking stock of country reviews on the implementation of chapter IV of the United Nations Convention against Corruption: findings, lessons learned and technical assistance needs.
4. International cooperation in civil and administrative proceedings for the detection of offences under the Convention, including for the identification, freezing and confiscation of assets derived from such offences.
5. Obstacles to law enforcement cooperation in the detection of offences under the Convention.
6. Conclusions and recommendations.
7. Adoption of the report.

### Annotations

#### 1. Opening of the meeting

The third open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption will be opened on Thursday, 9 October 2014, at 3 p.m., immediately after the completion, during that day's morning session, of the work of the Working Group on International Cooperation under the United Nations Convention against Transnational Organized Crime, whose fifth meeting will be held on 8 and 9 October 2014 as part of the proceedings of the seventh session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. The back-to-back



holding of the two meetings was mandated by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 5/1, adopted at its fifth session, in Panama City in 2013.

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

The provisional agenda for the meeting was prepared in accordance with Conference resolution 5/1 and in line with the recommendations issuing from the second open-ended intergovernmental expert meeting.

The proposed organization of work (see annex) was prepared on the basis of past practice and in accordance with the report of the second open-ended intergovernmental expert meeting (CAC/COSP/EG.1/2013/3) and resolution 5/1, to enable the meeting of experts to consider the agenda items within the allotted time and according to the conference services available.

The resources available will permit the holding of three plenary meetings, one on 9 October and two on 10 October 2014, with interpretation in the six official languages of the United Nations.

## **3. Taking stock of country reviews on the implementation of chapter IV of the United Nations Convention against Corruption: findings, lessons learned and technical assistance needs**

At the second open-ended intergovernmental expert meeting, the secretariat introduced the most important findings and conclusions on the implementation of chapter IV of the Convention arising from the completed reviews of the ongoing first review cycle of the Mechanism for the Review of Implementation of the Convention. In addition, the secretariat gave an overview of challenges in the implementation of chapter IV of the Convention, and related technical assistance needs identified through the country review reports.

The completion of additional country reviews, in the meantime, provides an opportunity for updated briefings on the analysis of information received in the context of the reviews of implementation of chapter IV of the Convention, conducted within the framework of the ongoing first cycle of the Mechanism for the Review of Implementation of the Convention, with a view to allowing the meeting to make recommendations to the Conference on follow-up actions required for ensuring the full implementation of chapter IV.

In that context, the secretariat will brief the meeting of experts on the findings and results of a broader range of implementation reviews pertaining to the implementation of chapter IV of the Convention.

States parties may wish to use the meeting of experts as a platform to discuss and exchange information on good practices and new developments in the area of international cooperation and on practical challenges relating to international cooperation.

### **Documentation**

Note by the Secretariat on the analysis of technical assistance needs emerging from the country reviews (CAC/COSP/IRG/2014/3)

Thematic report prepared by the Secretariat on the implementation of chapter IV (International cooperation) of the United Nations Convention against Corruption (review of articles 44-50) (CAC/COSP/IRG/2014/8)

Report prepared by the Secretariat on regional implementation of chapter III (Criminalization and law enforcement) and chapter IV (International cooperation) of the United Nations Convention against Corruption (CAC/COSP/IRG/2014/9)

Report prepared by the Secretariat on the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the United Nations Convention against Corruption: thematic overview of recommendations (CAC/COSP/IRG/2014/10)

#### **4. International cooperation in civil and administrative proceedings for the detection of offences under the Convention, including for the identification, freezing and confiscation of assets derived from such offences**

While the experts at the second open-ended intergovernmental expert meeting considered mutual legal assistance in criminal matters to be paramount, they noted the propriety of assistance among the competent authorities of States parties in investigations of and proceedings in civil and administrative matters relating to corruption. They further recommended that States parties should continue to consider assisting each other, where appropriate and consistent with their domestic legal system, in investigations of and proceedings in civil and administrative matters relating to corruption, in accordance with article 43, paragraph 1, of the Convention (CAC/COSP/EG.1/2013/3, para. 36).

In its resolution 5/1, the Conference 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, in accordance with article 43, paragraph 1, of the Convention, and in that regard requested the secretariat to invite States parties to provide information, to the extent possible, on such proceedings in order to identify the scope of assistance that could be provided in relation to such proceedings.

At the fifth session of the Implementation Review Group of the United Nations Convention against Corruption, held in Vienna from 2 to 6 June 2014, several speakers made reference to article 43 of the Convention, which provides that States parties shall consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption, and to Conference resolutions 5/1 and 5/3, in which States parties were invited to share their practices in that regard. On that topic, some speakers noted that the template on international cooperation in civil and administrative procedures relating to corruption, circulated as a conference room paper at the fifth session of the Implementation Review Group (CAC/COSP/IRG/2014/CRP.5), could be a useful tool for the provision of relevant information. Several speakers stated that the deadline set by the secretariat for the provision of relevant information should be extended and that countries could consider the possibility of using the template when providing their response.

Based on feedback received from States parties, the secretariat compiled information on this matter. An overview of the national responses received is contained in the progress report submitted to the second open-ended intergovernmental expert meeting.

The experts may wish to take into account the information contained in the progress report prepared by the Secretariat on international cooperation under the United Nations Convention against Corruption, including technical assistance and other activities (CAC/COSP/EG.1/2014/2) and exchange views and experiences on good practices and challenges encountered in the area of international cooperation in civil and administrative proceedings for the detection of corruption offences.

### **Documentation**

Progress report prepared by the Secretariat on international cooperation under the United Nations Convention against Corruption, including technical assistance and other activities (CAC/COSP/EG.1/2014/2)

Report of the Implementation Review Group on its fifth session, held in Vienna from 2 to 6 June 2014 (CAC/COSP/IRG/2014/11)

“Template on International Cooperation in Civil and Administrative Procedures Relating to Corruption”, adopted by the G-20 Working Group on Anti-Corruption (ACWG) during its last meeting (Sydney, Australia, 26-27 February 2014): conference room paper submitted by Brazil (CAC/COSP/IRG/2014/CRP.5)

## **5. Obstacles to law enforcement cooperation in the detection of offences under the Convention**

In its resolution 5/1, the Conference directed the open-ended intergovernmental meeting of experts on international cooperation to continue studying the issue of the identification and analysis of existing obstacles to law enforcement cooperation in the detection of corruption offences in the framework of the Convention against Corruption and to draw up recommendations on how those obstacles might be overcome.

The experts may wish to further discuss the issue of obstacles to law enforcement cooperation in the detection of offences under the Convention, taking into account pertinent recommendations made at the second open-ended intergovernmental expert meeting, in particular:

(a) The recommendation that States parties should consider, where necessary, adopting measures to allow for the sharing of information even before a formal criminal case is opened or a request for mutual legal assistance is submitted, in accordance with articles 46, 48 and 56 of the Convention (CAC/COSP/EG.1/2013/3, para. 35);

(b) The recommendation that States parties should give consideration to the effective use of existing informal cooperation initiatives, as well as the establishment of additional ones for the purposes of international cooperation in fighting corruption (CAC/COSP/EG.1/2013/3, para. 37).

## **6. Conclusions and recommendations**

The experts are expected to adopt conclusions and recommendations for inclusion in the report on their meeting.

## **7. Adoption of the report**

The expert meeting is to adopt a report on its third meeting, the draft of which will be prepared by the Secretariat.

## Annex

### Proposed organization of work

<i>Date and time</i>	<i>Agenda item</i>	<i>Title or description</i>
<b>Thursday, 9 October 2014</b>		
3-6 p.m.	1	Opening of the meeting
	2	Adoption of the agenda and organization of work
	3	Taking stock of country reviews on the implementation of chapter IV of the United Nations Convention against Corruption: findings, lessons learned and technical assistance needs
<b>Friday, 10 October 2014</b>		
10 a.m.-1 p.m.	3	Taking stock of country reviews on the implementation of chapter IV of the United Nations Convention against Corruption: findings, lessons learned and technical assistance needs ( <i>continued</i> )
	4	International cooperation in civil and administrative proceedings for the detection of offences under the Convention, including for the identification, freezing and confiscation of assets derived from such offences
3-6 p.m.	5	Obstacles to law enforcement cooperation in the detection of offences under the Convention
	6	Conclusions and recommendations
	7	Adoption of the report