



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

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Implementation Review Group

Thirteenth session

Vienna, 13–17 June 2022

Annotated provisional agenda

Provisional agenda

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9. Adoption of the report of the Implementation Review Group on its thirteenth session.

Annotations

1. **Organizational matters**
 - (a) **Opening of the session**

The thirteenth session of the Implementation Review Group will be opened on Monday, 13 June 2022, at 10 a.m., at the Vienna International Centre, M-Building, Plenary Room M. Subject to developments relating to the coronavirus disease (COVID-19) pandemic, it is currently planned that the session will be held in person.



Although participants will be able to observe the proceedings online, there will be only very limited opportunities to deliver statements remotely through the online platform. Further information on the format of the session will be communicated in due course and will be made available on the website of the session.

(b) Adoption of the agenda and organization of work

In its resolution 8/2, the Conference of the States Parties to the United Nations Convention against Corruption 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, subject to the availability of existing resources.

The provisional agenda for the thirteenth session of the Implementation Review Group was adopted by the Group at its twelfth session, held from 14 to 18 June 2021.

The proposed organization of work for the thirteenth session (see annex) was prepared in line with the guidance contained in the workplan for the subsidiary bodies of the Conference, which was approved by the Bureau of the Conference, in order to enable consideration of agenda items 4, 5 and 6 jointly with the Open-ended Intergovernmental Working Group on the Prevention of Corruption. The thematic focus of the thirteenth session will be on chapter II (Preventive measures) and chapter III (Criminalization and law enforcement) of the Convention.

2. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

Drawing of lots

On the first day of the thirteenth session, lots will be drawn to select the reviewing States parties for the first and second cycle reviews of any States parties that have become parties to the Convention since the previous drawing of lots. Lots may also be drawn to select reviewing States parties for the purpose of carrying out redraws, as required.

Progress made in the conduct of country reviews

In its decision 5/1, the Conference of the States Parties decided that the Implementation Review Group should include in its future sessions an agenda item allowing for discussion of relevant information collected, with the support of the Secretariat, in order to facilitate the assessment of the performance of the Implementation Review Mechanism, in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle.

In its resolution 8/2, the Conference, inter alia, requested the Implementation Review Group to continue to collect, with the support of the secretariat, relevant information, including the views of States parties, pertaining to the performance of the Implementation Review Mechanism, with a view to continuing, at the appropriate time, its assessment of the performance of the Mechanism, as provided for in paragraph 48 of its terms of reference and Conference decision 5/1. The Conference also requested the secretariat to continue to provide to the Implementation Review Group analyses of the time frames associated with the crucial stages of the review process, including statistics on the number of States parties that are behind schedule, with the aim of facilitating a more efficient process.

In response to the significant delays incurred during the second cycle of the Implementation Review Mechanism, in its decision 8/1, the Conference extended the duration of the second cycle until June 2024 to allow for the completion of country

reviews and called upon States parties to accelerate the completion of the second cycle.

The Secretariat has compiled and analysed information relating to the overall performance of the Implementation Review Mechanism during the first and second review cycles, including but not limited to the responses received to the self-assessment checklist, the direct dialogues conducted, the executive summaries and country review reports that have been finalized and the country review reports that have been made available on the website of the United Nations Office on Drugs and Crime (UNODC). Emphasis has been placed on analysing reasons for the recurring delays that have arisen during the second cycle and suggested measures to address those delays and accelerate reviews. The Implementation Review Group will have before it a note by the Secretariat on the performance of the Implementation Review Mechanism (CAC/COSP/IRG/2022/2).

Synergies with the secretariats of other relevant multilateral mechanisms

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 of 6 November 2015 and 7/4 of 10 November 2017, and requested the secretariat to report to the Implementation Review Group on progress made in that regard. In the same resolution, the Conference encouraged States parties that were members of different multilateral review mechanisms in the field of anti-corruption to support, within their respective organizations and within the governing bodies of those organizations, efficient and effective cooperation and coordination between the secretariats of those review mechanisms and the secretariat of the Conference, while respecting the mandates of all review mechanisms. An oral update will be delivered by the secretariat.

Documentation

Note by the Secretariat on the performance of the Implementation Review Mechanism (CAC/COSP/IRG/2022/2)

3. Financial and budgetary matters

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.

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 Implementation Review Mechanism.

At its thirteenth session, the Implementation Review Group will have before it a note by the Secretariat (CAC/COSP/IRG/2022/5) containing budgetary information on expenditures incurred so far for the operation of the first and second cycles of the Implementation Review Mechanism, resources received at the time of writing, both from the regular budget and from voluntary contributions, projected expenditures and the current shortfall on resource requirements for the functioning of the Mechanism.

Documentation

Note by the Secretariat on financial and budgetary matters (CAC/COSP/IRG/2022/5)

4. State of implementation of the United Nations Convention against Corruption
(a) Exchange of information, practices and experiences gained in the implementation of the Convention

In its resolution 8/2, the Conference 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. The Conference also 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 Group, and encouraged States parties, the United Nations and other stakeholders to make full use of those documents.

Accordingly, the Implementation Review Group will have before it a thematic report prepared by the Secretariat on the implementation of chapter II (Preventive measures) of the Convention (CAC/COSP/IRG/2022/3).

Furthermore, a report prepared by the Secretariat on the implementation at the regional level of chapter II (Preventive measures) of the Convention against Corruption (CAC/COSP/IRG/2022/4) will be made available to the Implementation Review Group for its consideration. The report provides an overview of the implementation, by regional groups of States parties under review in the second cycle of the Implementation Review Mechanism, of the provisions on the following topics: preventive anti-corruption bodies and education and training programmes in the public sector (art. 6, para. 2, and art. 7, para. 1, of the Convention); public procurement and training requirements for personnel responsible for it (art. 9, para. 1, of the Convention); awareness-raising activities and public education programmes (art. 13, para. 1, of the Convention); and the use of information and communications technologies in relation to asset declarations and financial disclosure systems (art. 8, para. 5, and art. 52, paras. 5 and 6, of the Convention).

States parties are encouraged to provide, under agenda item 4, further information on successes, good practices, challenges, technical assistance needs and measures taken after the completion of the country reviews under the first and second review cycles.

(b) Thematic discussion

In order to enable States parties to exchange views on these subjects, two panel discussions will be organized under item 4.

Panel discussion on best practices and challenges in ensuring effective cooperation at the domestic level among anti-corruption and law enforcement authorities

This panel will explore practices, measures and challenges in enhancing domestic cooperation and coordination between authorities responsible for corruption prevention and law enforcement, including as provided for in article 38 of the Convention (Cooperation between national authorities) and paragraph 29 of the political declaration adopted by the General Assembly on 2 June 2021, entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”, in which Member States and parties to the Convention committed to enabling effective cooperation at the domestic level among, as appropriate, anti-corruption authorities, police, investigative, prosecutorial and judicial authorities, financial intelligence units and administrative and oversight bodies, in corruption investigations and proceedings at the national and international levels, in accordance with domestic law.

Panel discussion on bribery of foreign public officials and officials of public international organizations: addressing supply and demand

In the political declaration adopted by the General Assembly at its special session against corruption in June 2021, Member States and parties to the Convention reaffirmed their commitment to actively preventing and combating bribery and bribe-taking in all its forms and to substantially reduce it by 2030. Gaps remain with regard to criminalization and enforcement in relation to the bribery of domestic public officials, and significant challenges and implementation gaps have been identified in the course of reviews undertaken in the framework of the Implementation Review Mechanism, in particular with regard to the bribery of foreign public officials. Global enforcement rates in relation to the bribery of foreign public officials continue to remain low, and during the first cycle reviews only a few cases were cited in which final decisions and convictions had been reached. Following up on the work conducted by the Implementation Review Group in 2020 and 2021 on bribery and on the liability of legal persons, a panel discussion will be held to explore why enforcement rates remain low and inconsistent, and in this regard to examine how the prevention and detection of bribery of foreign public officials and officials of international organizations can be strengthened. In particular, the panel will explore how to use existing data sources to better detect bribery and how to use practical preventive measures to address not only the supply side, but also the solicitation and acceptance of bribes by public officials, and to thereby safeguard the public sector from bribery. The secretariat intends to present the preliminary results of a study on trends, challenges and good practices in addressing bribery through preventive and enforcement tools.

Agenda item 4 will be discussed together with item 2 of the agenda for the thirteenth meeting of the Working Group on the Prevention of Corruption at the joint meetings of the Implementation Review Group and that Working Group.

Documentation

Thematic report prepared by the Secretariat on implementation of chapter II (Preventive measures) of the United Nations Convention against Corruption (CAC/COSP/IRG/2022/3)

Report prepared by the Secretariat on the implementation at the regional level of chapter II (Preventive measures) of the United Nations Convention against Corruption (CAC/COSP/IRG/2022/4)

Executive summary of country review report (CAC/COSP/IRG/II/3/1/Add.6)

5. Technical assistance

In its resolution 8/8, the Conference encouraged States parties to, inter alia, address the needs identified during their country reviews and to promote national anti-corruption strategies and/or action plans as a tool for country-led and country-based, integrated and coordinated technical assistance programming and delivery. Moreover, in its resolution 9/4, the Conference called upon States parties to acknowledge the importance of promoting, facilitating and supporting timely, sustainable, adequate and effective technical assistance for strengthening national capacities to prevent and fight corruption and called for accelerated action at all levels and by all technical assistance providers in addressing such needs, upon request, including those identified through the Implementation Review Mechanism, by mobilizing sufficient financial assistance, technical support and other resources, as stated in paragraph 53 of the political declaration adopted by the General Assembly at its special session against corruption held in 2021. In order to enable States parties to exchange views on specific aspects of technical assistance, two panel discussions will be organized under item 5.

Panel discussion on tools and resources for identifying and mitigating potential corruption risks

Corruption risk assessment and management has become an increasingly popular tool used by public organizations to systematically identify corruption vulnerabilities within their operations and devise efficient, cost-effective strategies to mitigate those vulnerabilities or risks. In accordance with article 9 of the Convention, States parties are to establish effective and efficient systems of risk management and internal control as a means of promoting transparency and accountability in the management of public finances. In its resolution 9/6, the Conference encouraged States parties, in line with article 9, paragraph 2, of the Convention, where appropriate and in accordance with the fundamental principles of their legal systems, to incorporate and implement corruption risk management processes, in particular in public institutions and other institutions entrusted with the management of public finances, and requested UNODC to support States parties, upon request and subject to the availability of extrabudgetary resources, in that regard. The panel will facilitate the discussion and exchange of good practices and challenges in corruption risk assessment and management.

Panel discussion on lessons learned in setting up frameworks for the protection of reporting persons and reporting systems

The protection of reporting persons is repeatedly referred to as one of the most effective tools for improving the prevention, detection and prosecution of corruption offences. A robust whistle-blower reporting and protection system is crucial for combating corruption effectively and strengthening accountable institutions as envisaged in the targets and indicators of Sustainable Development Goal 16.

Article 33 of the Convention requires States parties to consider incorporating into their domestic legal systems appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with the Convention. A recurring challenge identified by States parties through the Implementation Review Mechanism has been the reluctance of individuals to report alleged wrongdoing or crimes. Approximately 70 per cent of the countries that have completed their first cycle review have received recommendations on article 33. To address this challenge, several countries have adopted either whistle-blower protection laws, which apply international good practices to varying degrees, or measures for the protection of witnesses. Despite this progress, UNODC continues to receive an increasing number of technical assistance requests from State parties to the Convention both within and outside the framework of the Mechanism. The panel will facilitate discussion and the exchange of good practices and challenges in whistle-blower protection.

Agenda item 5 will be discussed together with item 2 of the agenda for the thirteenth meeting of the Working Group on the Prevention of Corruption at the joint meetings of the Implementation Review Group and that Working Group.

6. Follow-up to the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation

At its special session held from 2 to 4 June 2021, the General Assembly adopted the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”. Member States, inter alia, committed to implementing that political declaration and invited the Conference, as the treaty body with prime responsibility for promoting and reviewing the implementation of the Convention, to follow up and build on the declaration.

Furthermore, in its resolution 9/2, the Conference directed its subsidiary bodies, within their mandates, to take appropriate measures to follow up on the political declaration.

The inclusion of the present item, to be considered during joint meetings with the Working Group on the Prevention of Corruption, is in line with the workplan for the subsidiary bodies of the Conference for 2022–2023, which was approved by the Bureau of the Conference at its meeting on 1 March 2022, on the understanding that it was subject to further substantive adjustments.

Accordingly, under the present item, the Implementation Review Group is expected to discuss appropriate measures to follow up on the political declaration.

Agenda item 6 will be discussed together with item 3 of the agenda for the thirteenth meeting of the Working Group on the Prevention of Corruption at the joint meetings of the Implementation Review Group and that Working Group.

7. Other matters

In its resolution 4/6, the Conference decided that briefings on the Implementation Review Mechanism would be convened for non-governmental organizations on the margins of the sessions of the Implementation Review Group and be conducted by the Secretariat in cooperation with a member of the Bureau.

In its resolution 8/2, 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 sessions of the Group, in accordance with resolution 4/6.

The Implementation Review Group will receive a summary of the briefing to be held on Tuesday, 14 June 2022, on the margins of its thirteenth session.

Moreover, under agenda item 7, the Implementation Review Group may wish to discuss any other matters.

8. Provisional agenda for the fourteenth session of the Implementation Review Group

The Implementation Review Group is to consider and approve, at its thirteenth session, a provisional agenda for its fourteenth session, which will be drafted by the secretariat in consultation with the Chair.

9. Adoption of the report of the Implementation Review Group on its thirteenth session

The Implementation Review Group is to adopt a report on its thirteenth session.

Annex

Proposed organization of work

<i>Date and time</i>	<i>Item</i>	<i>Title or description</i>
Monday, 13 June 2022		
10 a.m.–1 p.m.	1 (a)	Opening of the session
	1 (b)	Adoption of the agenda and organization of work
	2	Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption
3–6 p.m.	3	Financial and budgetary matters
	7	Other matters
	8	Provisional agenda for the fourteenth session of the Implementation Review Group
Tuesday, 14 June 2022		
10 a.m.–1 p.m.	4	State of implementation of the United Nations Convention against Corruption ^a
	4 (a)	Exchange of information, practices and experiences gained in the implementation of the Convention
3–6 p.m.	4 (b)	Thematic discussion
Wednesday, 15 June 2022		
10 a.m.–1 p.m.	4	State of implementation of the United Nations Convention against Corruption (<i>continued</i>)
3–6 p.m.	4	State of implementation of the United Nations Convention against Corruption (<i>continued</i>)
Thursday, 16 June 2022		
10 a.m.–1 p.m.	4	State of implementation of the United Nations Convention against Corruption (<i>continued</i>)
3–6 p.m.	5	Technical assistance ^a
Friday, 17 June 2022		
10 a.m.–1 p.m.	6	Follow-up to the special session of the General Assembly against corruption ^a
3–6 p.m.	9	Adoption of the report of the Implementation Review Group on its thirteenth session

^a Agenda items 4 and 5 and item 6 will be discussed together with items 2 and 3, respectively, of the agenda for the thirteenth meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption at the joint meetings of the Implementation Review Group and that Working Group.