



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

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Implementation Review Group

Twelfth session

Vienna, 14–18 June 2021

Annotated provisional agenda

Provisional agenda

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Annotations

1. Organizational matters

(a) Opening of the session

The twelfth session of the Implementation Review Group will be opened on Monday, 14 June 2021, at 11 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 a hybrid format (in person and online). Further information on the format of the session will be communicated in due course and will be 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 twelfth session of the Implementation Review Group was adopted by the Group at its second resumed eleventh session, held from 16 to 18 November 2020.

The proposed organization of work for the twelfth session (see annex) was prepared in line with the guidance contained in the workplan for the subsidiary bodies of the Conference, which was adopted by the Conference at its eighth session, in order to enable consideration of agenda items 4 and 5 jointly with the Open-ended Intergovernmental Working Group on the Prevention of Corruption. Moreover, in accordance with that workplan, the thematic focus of the twelfth 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*

At the intersessional meeting of the Group held on 25 June 2020 and at the resumed meeting held on 26 June 2020, lots were drawn for the selection of States parties under review and reviewing States parties for the fifth year of the Implementation Review Mechanism, in accordance with paragraphs 14 and 19 of the terms of reference of the Mechanism. On the first day of the twelfth session, lots may 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 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 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. Emphasis has been placed on analysing reasons for the recurring delays that have arisen during the second cycle and suggested measures to address these delays and accelerate reviews. The Group will have before it a note by the Secretariat on the performance of the Implementation Review Mechanism (CAC/COSP/IRG/2021/2).

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.

Accordingly, the Group will have before it a report of the Secretariat on enhancing synergies with the secretariats of other relevant multilateral organizations in the field of anti-corruption (CAC/COSP/IRG/2021/4).

Documentation

Note by the Secretariat on the performance of the Implementation Review Mechanism (CAC/COSP/IRG/2021/2)

Report of the Secretariat on progress on the implementation of Conference resolution 7/4 on enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption (CAC/COSP/IRG/2021/4)

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 Review Mechanism.

At its twelfth session, the Implementation Review Group will have before it a note by the Secretariat (CAC/COSP/IRG/2021/5) containing budgetary information on expenditures incurred so far for the operation of the first and second cycles of the 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/2021/5)

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 Implementation Review Group, and encouraged States parties, the United Nations and other stakeholders to make full use of those documents.

Accordingly, the 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/2021/3).

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 its resolution 8/6, the Conference called upon States parties to fulfil their commitments under article 26 of the Convention to establish the liability of legal persons for participation in the offences established in the Convention, and to effectively enforce those laws with effective, proportionate and dissuasive criminal or non-criminal sanctions.

Moreover, in the same resolution, the Conference stressed the importance of sustained and enhanced political will and the commitment of all States parties, consistent with the Convention, to criminalize bribery of national public officials and of foreign public officials and officials of public international organizations and to hold accountable those who commit those offences, noting the importance of international cooperation in that regard. Article 30 of the Convention contains extensive and multifaceted rules for adjudicating corruption offences, focusing on the effectiveness, proportionality and dissuasive effect of applicable sanctions. Its scope and density of context account for a significant number of challenges with regard to its implementation, reflecting the specificities and different priorities of national legal systems and making it one of the key provisions for putting into effect the criminalization measures of the Convention and, to some extent, for ensuring the success of the Convention overall.

In order to enable States parties to exchange views on these subjects, two panels will be organized under item 4. The first panel will focus on measures to ensure that legal persons are held accountable for corruption offences, in accordance with chapter III of the Convention, in particular its article 26. It is envisaged that the discussion will highlight relevant good practices and practical challenges in this area and focus on the three possible types of liability (criminal, civil and administrative), as well as on other types of consequences. The second panel will concentrate on challenges and good practices with regard to holding corrupt individuals accountable for their crimes, and on the practical issues relating to the implementation of article 30 of the Convention.

Agenda item 4 will be discussed together with item 2 of the agenda of the twelfth session 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.

Documentation

Thematic report prepared by the Secretariat on implementation of chapter II (Preventive measures) of the United Nations Convention against Corruption (CAC/COSP/IRG/2021/3)

Executive summaries of country review reports (CAC/COSP/IRG/II/1/1/Add.20, CAC/COSP/IRG/II/2/1/Add.23, CAC/COSP/IRG/II/2/1/Add.24, CAC/COSP/IRG/II/2/1/Add.25, CAC/COSP/IRG/II/2/1/Add.26, CAC/COSP/IRG/II/3/1/Add.2 and CAC/COSP/IRG/II/4/1)

5. Technical assistance

In its resolution 7/3, the Conference of the States Parties encouraged States parties, inter alia, to continue voluntarily sharing information on the provision of technical assistance and their needs for such assistance, including those needs identified through the review process, and to consider providing such information to the secretariat for publication on its website. Moreover, in its resolution 8/7, the Conference called upon States parties to use the outcome of their country reviews to strengthen their anti-corruption framework, including through technical assistance, where requested. 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.

Accordingly, the Group will have before it a conference room paper containing a preliminary analysis of information provided by States parties in response to a note verbale from the secretariat dated 26 February 2021 inviting them to provide information on measures taken to address the technical assistance needs identified in the context of the first and second cycle reviews (CAC/COSP/IRG/2021/CRP.1). Moreover, in line with Conference resolution 7/3, the information provided has been made available on the website of the current session of the Implementation Review Group, unless otherwise indicated by the submitting State. In order to facilitate the discussion, a panel will be organized under item 5.

Agenda item 5 will be discussed together with item 2 of the agenda of the twelfth session 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.

6. Other matters

Under agenda item 6, the Implementation Review Group may wish to discuss any other matters.

7. Provisional agenda for the thirteenth session of the Implementation Review Group

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

8. Adoption of the report of the Implementation Review Group on its twelfth session

The Implementation Review Group is to adopt a report on its twelfth session. Given the hybrid nature of the meeting, the report is likely to be adopted after the meeting by means of a silence procedure.

Annex

Proposed organization of work

<i>Date and time</i>	<i>Item</i>	<i>Title or description</i>
Monday, 14 June 2021		
11 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
3–5 p.m.	3	Financial and budgetary matters
	6	Other matters
	7	Provisional agenda for the thirteenth session of the Implementation Review Group
Tuesday, 15 June 2021		
11 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
3–5 p.m.	4 (b)	Thematic discussion
Wednesday, 16 June 2021		
11 a.m.–1 p.m.	4	State of implementation of the United Nations Convention against Corruption (<i>continued</i>)
3–5 p.m.	4	State of implementation of the United Nations Convention against Corruption (<i>continued</i>)
Thursday, 17 June 2021		
11 a.m.–1 p.m.	4	State of implementation of the United Nations Convention against Corruption (<i>continued</i>)
3–5 p.m.	5	Technical assistance ^a
Friday, 18 June 2021		
11 a.m.–1 p.m.	5	Technical assistance (<i>continued</i>)
3–5 p.m.	8	Adoption of the report of the Implementation Review Group on its twelfth session

^a Agenda items 4 and 5 will be discussed together with item 2 of the agenda of the twelfth session 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.