



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

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**Report of the Implementation Review Group on its
fifth session, held in Vienna from 2 to 6 June 2014**

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I. Introduction

1. The Implementation Review Group was established by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 3/1, entitled “Review mechanism”, as an open-ended intergovernmental group of States parties to operate under its authority and report to it. The Group is 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 effective implementation of the Convention.

II. Organization of the session

A. Opening of the session

2. The Implementation Review Group held its fifth session in Vienna from 2 to 6 June 2014.

3. The 1st to 4th meetings of the fifth session were chaired by Abigail Benzadón Cohen (Panama) and the 5th to 9th meetings by Ion Galea (Romania).

4. The representative of Indonesia, speaking on behalf of the Group of 77 and China, welcomed the new States parties to the Convention. He further welcomed the work of the Implementation Review Group in continuing to assist States parties, through the Mechanism for the Review of Implementation of the Convention, in implementing the Convention, and he emphasized that the terms of reference, especially the guiding principles and characteristics of the Review Mechanism, including its intergovernmental nature, should be fully and consistently complied with throughout the review process. The participation of a large number of States parties in the review process was appreciated, as well as the tangible and useful results of the Mechanism and its role in the identification of technical assistance needs. The efforts of the secretariat to provide a broad set of tailored technical assistance activities at the global, regional and national levels were commended. The speaker reiterated the position of the Group that the work of the Mechanism should be funded from the regular budget of the United Nations, in accordance with the terms of reference. He considered that, at the completion of the first review cycle, the sharing of experiences on good practices and lessons learned was important. He emphasized the position of the Group of 77 and China that, in accordance with decision 5/1 of the Conference, the purpose of including the new agenda item on the performance of the Mechanism was to allow for discussion of the relevant information by the Group, with the support of the secretariat, in order to facilitate the assessment of the performance of the Mechanism, which itself would start after the completion of the first cycle, in accordance with the terms of reference.

5. The representative of the European Union (EU) made a statement on behalf of EU, its States members and Albania, Bosnia and Herzegovina, Iceland, Liechtenstein, the Republic of Moldova, Montenegro, Norway, the former Yugoslav Republic of Macedonia, Turkey, Serbia and Ukraine. Reference was made to the rules on public procurement it had recently adopted, as well as the first EU anti-corruption report. The speaker commended the work of the Review Mechanism

in generating helpful data on the implementation of the Convention. Challenges in its work included delays and questions related to cost efficiency. At the end of the first review cycle, it was important to reflect on an appropriate follow-up to the problems identified through the Mechanism and to implement lessons learned throughout the process. It was regretted that the Conference of the States Parties at its last session had not been able to take any decision on possible ways to improve the Mechanism or to eliminate shortcomings with a view to the second cycle. States parties should make optimal use of all relevant information, including information generated by non-governmental organizations. It was regretted that the expertise of non-governmental organizations on various issues relating to anti-corruption efforts, organized crime, trafficking in persons and smuggling of migrants could be used only to a very limited extent by the working groups established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, the Conference of the States Parties to the United Nations Convention against Corruption and the Implementation Review Group. The consensus reached in Marrakech on the participation of non-governmental organizations in the deliberations of the Implementation Review Group was considered a first step in the right direction, and the speaker expressed the willingness of the States of the Group to engage in a constructive dialogue with other States parties in that regard, in order to make best use of the expertise of non-governmental organizations.

6. The Minister for Institutional Transparency and the Fight against Corruption of the Plurinational State of Bolivia, Nardi Suxo, made reference to her country's participation in the Review Mechanism. She also informed the Group about the outcome of the first Specialized Meeting of Ministers and High-Level Anti-Corruption Authorities of the Community of Latin American and Caribbean States (CELAC), held on 8 November 2013 in Santa Cruz, Plurinational State of Bolivia. At that meeting, 33 States had agreed on strengthening the exchange of experience and capacity-building in anti-corruption matters, facilitating asset recovery and removing barriers to extradition, including by eliminating the political offence exception in extradition cases related to corruption. She urged all States parties to commit to the ethical and moral principles of "not stealing, not lying and not being lazy". A permanent working group on the implementation of the United Nations Convention against Corruption and the Inter-American Convention against Corruption had been established. Further, the upcoming Summit of the Group of 77 and China, to be held on 14 June 2014 in Santa Cruz, Plurinational State of Bolivia, was expected to address important issues of transparency and the fight against corruption. The speaker also stressed progress at the national level in the implementation of the Convention, especially in citizen participation and Government transparency.

7. The Comptroller-General of the Bolivarian Republic of Venezuela, Adelina González, also made reference to the declaration issued by the above-mentioned Specialized Meeting of CELAC. She stressed the importance of the Convention as a framework for international cooperation and highlighted the importance of networks for international cooperation. The Constitution of the Bolivarian Republic of Venezuela, which had entered into force in 1999, had abolished the statute of limitations for, and introduced the confiscation of assets associated with, corruption offences. Instead of one single anti-corruption agency, it had established the "power of the citizens" as a constitutional power composed of independent control institutions. The speaker commended the progress achieved under the Review

Mechanism and its constructive nature based on the guiding principles. Challenges such as delays in reviews should be addressed through assistance, cooperation and the planned improvement of the self-assessment checklist. Countries were called upon to take strong and binding measures against corruption, including on bank secrecy, and to efficiently provide mutual legal assistance. The participation of different sectors of society was stressed as an important factor in building more transparent, fairer and more efficient institutions.

8. The representative of the Russian Federation informed the Group about preparations under way in his country for the organization of the sixth session of the Conference of the States Parties, which was to be held in the Russian Federation in 2015. He noted that an organizing committee headed by the Ministry of Justice had been created and involved all relevant institutions.

9. The representative of Germany updated the Group on the legislative reforms undertaken in his country and informed the Group that, on the basis of those changes, his country was expected to ratify the Convention before the end of 2014.

B. Adoption of the agenda and organization of work

10. Prior to the adoption of the agenda, the Secretariat informed the Group about the correction of an error in the provisional agenda, i.e. agenda item 3 should read “Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”.

11. On 2 June, the Implementation Review Group adopted the following agenda, as corrected:

1. Organizational matters:
 - (a) Opening of the session;
 - (b) Adoption of the agenda and organization of work.
2. Review of implementation of the United Nations Convention against Corruption.
3. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
4. Technical assistance.
5. Financial and budgetary matters.
6. Other matters.
7. Provisional agenda for the sixth session of the Implementation Review Group.
8. Adoption of the report of the Implementation Review Group on its fifth session.

C. Attendance

12. The following States parties to the Convention were represented at the fifth session of the Implementation Review Group: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Canada, Chile, China, Comoros, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Montenegro, Morocco, Myanmar, Namibia, Nauru, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, State of Palestine, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

13. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

14. In accordance with rule 1 of resolution 4/5, entitled "Participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Implementation Review Group", the Conference decided that States signatories would be entitled to participate in the Implementation Review Group.

15. The following States signatories to the Convention were represented: Germany and Japan.

16. In accordance with rule 2 of resolution 4/5, the Conference decided that intergovernmental organizations, Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations crime prevention and criminal justice programme network, specialized agencies and other organizations of the United Nations system could be invited to participate in the sessions of the Implementation Review Group.

17. The following intergovernmental organizations were represented by observers: African Union, Asian-African Legal Consultative Organization, Council of Europe, League of Arab States, Organization for Security and Cooperation in Europe and Ibero-American Network for International Legal Cooperation (IberRed).

18. The following Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations crime prevention and criminal justice programme network, specialized agencies and other organizations of the United Nations system were represented by observers: United Nations Development

Programme (UNDP) and International Centre for Criminal Law Reform and Criminal Justice Policy.

19. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

III. Review of implementation of the United Nations Convention against Corruption

A. Drawing of lots

20. The Group drew lots for the reviews of the Czech Republic, Oman and the State of Palestine, which had become parties to the Convention after the drawing of lots conducted at the resumed fourth session of the Group. In order to comply with the requirement that by the end of a given cycle all States parties must have performed a minimum of one and a maximum of three reviews, the Group drew lots from among those States that had not yet performed a review. As there were no such States in the regional group of the Czech Republic, nor States having performed only one review, for the review of the Czech Republic the Group drew lots from among those States that had performed two reviews.

21. The Republic of Moldova and Turkmenistan were drawn as reviewing States for the Czech Republic, following a request for a redraw after the initial drawing of lots, in accordance with paragraph 19 of the terms of reference. One State noted that participation in the Mechanism was not to be subject to political considerations. Kiribati and Saudi Arabia were drawn as reviewing States for Oman. Oman and Guyana were drawn as reviewing States for the State of Palestine.

22. In addition, some States whose reviews had been initiated in the third and fourth years of the first review cycle had encountered unresponsiveness on the part of their reviewing States parties and requested redraws. Following past practice, the results of those redraws were provisional, with another two weeks given for the unresponsive States to comply with their obligations. If those States continued to be unresponsive, the provisional reviewing State was to take over. Guinea was drawn as the provisional regional reviewer for Burkina Faso. Antigua and Barbuda was drawn as the provisional other reviewer for Guatemala.

23. As had been noted in connection with the oral introduction to the progress report of the Group, the secretariat noted that some focal points and governmental experts had become unresponsive over the course of the country review process. In line with past practice, letters would be drafted and sent to the States concerned, in cooperation with the President of the Conference. Progress and action taken by the secretariat would be reported to the Group at its resumed fifth session, including a list of unresponsive States, in order to seek the guidance and possible action of the Group in that respect.

B. Progress report

24. Speakers reiterated their governments' continued commitment to and support for the Mechanism and the review of the implementation process, and highlighted

efforts to further the implementation of the Convention at the national and international levels. Speakers also welcomed the newest States parties to the Convention.

25. Speakers stressed the need to abide by the guiding principles and characteristics set out in the terms of reference of the Mechanism. Some speakers noted the positive impact of having an inclusive and transparent review process, and others recalled the intergovernmental nature of the Mechanism.

26. A number of speakers highlighted the importance and usefulness of the country review process, both to States under review and to reviewing States. The work of States involved in reviews and of the secretariat was commended, and speakers welcomed the growing number of reviews being finalized and the documentation being prepared on that basis, including the thematic and regional implementation reports and the concrete examples presented. Assistance provided by the secretariat, including through regional advisers based in regional or country offices of the United Nations Office on Drugs and Crime (UNODC), was welcomed.

27. Several speakers reiterated the importance of adhering to the indicative timelines for the completion of country reviews, including procedural steps such as the nomination of focal points and governmental experts, as well as substantive steps such as the submission of desk reviews, without compromising the quality and thoroughness of reviews. Speakers reported on their experiences as reviewing States parties, including progress made in reviews and how the dialogue had been conducted.

28. Several speakers reported on their States' experience of the self-assessment process. At the outset, a few indicated that delays had been incurred, *inter alia*, owing to the post-conflict or transitional situation in their countries and to the overlap between mandates of relevant authorities. Speakers noted that the self-assessment process itself had proved to be useful for coordinating at the national level and establishing a clear picture of relevant texts and policies. The arrangement previously discussed by the Group regarding the application of a flexible approach to the timelines of some of the reviews in the fourth year of the first cycle, in view of the large number of reviews in that year, was noted.

29. The dialogue stage of reviews was addressed by several speakers, particularly with respect to means of direct dialogue. Several speakers highlighted the usefulness of country visits and their positive impact on discussions between the reviewed and reviewing States, including discussions to further the exchange of information and good practices in support of implementation, as well as creating the opportunity to engage with relevant national stakeholders.

30. The production and dissemination of information and good practices through the country review processes was highlighted. Particular reference was made to the legal library and the Tools and Resources for Anti-Corruption Knowledge (TRACK) web portal, as well as to the UNODC country profile page, which was a platform for centralizing information on country reviews, including, where requested, countries' self-assessments and country review reports.

31. Some speakers reiterated the need to maintain sustainable and reliable financing of the Mechanism, in accordance with resolution 3/1 of the Conference. The voluntary contributions, including in-kind, of States to support the functioning

of the Mechanism were welcomed, including contributions to enable the participation of least developed countries in the meetings of the Group.

C. Thematic implementation reports and regional supplementary addenda

Chapter III

(a) General discussion

32. The secretariat prepared reports providing an overview of the key findings of the thematic and regional implementation reports analysing 56 completed country reviews (CAC/COSP/IRG/2014/6, 7, 8 and 9).

33. Speakers appreciated the quality of the thematic and regional reports and their usefulness to the Group's analytical work, in particular for the analysis of substantive issues, good practices and challenges in implementation. They acknowledged that changes to the content and format of the reports took into account the Group's previous recommendations.

34. Speakers welcomed the increased and focused efforts to implement the Convention and highlighted national reform measures for its implementation, including through technical cooperation with development partners. Speakers highlighted reforms and amendments in domestic legislation, as well as the adoption of national anti-corruption plans or strategies. In particular, several speakers summarized reforms in domestic regimes for the confiscation of proceeds of corruption, as well as laws and regulations against money-laundering. Speakers also highlighted institutional changes in the organization and operation of anti-corruption and law enforcement bodies. One speaker noted the creation in his country of a centralized body to manage seized and confiscated assets and the creation of a specialized court to hear illicit enrichment matters; another speaker described a mechanism for tracking corruption cases. Speakers also highlighted national measures to enhance domestic coordination, such as protocols for coordinated investigations and inter-agency or information-sharing arrangements. Several speakers discussed national corruption prevention efforts, including corruption risk assessments and the establishment and operation of anti-corruption academies and education initiatives at the national and regional levels. A number of speakers highlighted the adoption of national codes of conduct or codes of ethics. Some speakers drew attention to the important role of civil society and other non-State actors and also noted the impact of anti-corruption efforts in furthering socioeconomic development. Speakers also drew attention to their countries' participation in other regional and international conventions, treaties and initiatives with complementary objectives. In the context of ongoing reforms, a number of speakers noted the importance, usefulness and positive impact of the country reviews. Speakers highlighted ongoing efforts to address review recommendations in implementation action plans and national legal and policy measures, for example with respect to bank secrecy, plea bargaining, and witness and whistle-blower protection, as well as judicial reforms in such areas as sentencing guidelines. One speaker highlighted the support of his country's Head of State for the implementation of review results.

35. One speaker presented a project of the Conference of Ibero-American Ministers of Justice aimed at strengthening inter-institutional cooperation in participating States, with particular emphasis on access to information, public-private cooperation and the improvement of reporting mechanisms.

(b) *Panel discussion*

36. In accordance with the guidance provided by the Group, a panel discussion was organized to facilitate the Group's deliberations on the review of implementation. Representatives of Romania, the United Kingdom and the United Republic of Tanzania were invited to participate. The panel presentations are available on the Group's website.

37. A number of speakers appreciated the structure of the panel discussion and expressed their satisfaction at the manner in which the discussion had been conducted. Several speakers said they would welcome a further discussion on particular provisions of the Convention that had been addressed in the thematic and regional reports.

38. During the ensuing discussion on whistle-blower protection, the panellist from Romania clarified how transparency issues were addressed in her country's domestic legislation and explained that neither criminal investigations nor disciplinary and administrative procedures were public until cases were filed in court. She further described the domestic monitoring mechanism and the role of the justice sector in implementing the legislation in accordance with the national anti-corruption strategy and action plan, including through joint agreements with judges and prosecutors.

39. Speakers invited further discussion on the issue of bank secrecy, and panellists shared their experiences on the lifting of bank secrecy restrictions, including in the absence of a court order. The panellist from the United Republic of Tanzania explained that authorization by government institutions and the courts was not required under domestic legislation for law enforcement authorities to access bank and financial records. Furthermore, the provision of financial records through mutual legal assistance was balanced against confidentiality safeguards protecting institutions and account holders.

40. In the ensuing discussion on asset and income declarations, the issue of confidentiality was raised. The panellist from the United Republic of Tanzania explained that under national legislation, declarations were received in confidence by the Commissioner for Ethics and were available to the public and the media upon demonstration of good cause. All public officials, including the Head of State, were required to file declarations during their term of office, and samples were verified annually by a legally appointed ethics secretariat through auditing and valuation techniques. Infraction cases were heard by a special tribunal headed by a Supreme Court judge. It was further explained that declarations were useful in the detection of corruption cases, and that investigations into illicit enrichment arising out of declarations could continue beyond an official's tenure. In sharing good practices on the topic, two speakers noted the distinction between verifying and disclosing declarations, which could be useful in designing appropriate corresponding regimes. Attention should also be paid to including relatives and associates in the category of persons required to report.

41. During the discussion on immunities and jurisdictional privileges, panellists outlined the scope of immunities applicable in their countries and procedures for lifting them in appropriate cases, including upon arrest or the search of a person's office or residence. One speaker noted that case law on the issue should also be considered.

42. In discussing the confiscation of criminal proceeds and the administration of frozen, seized and confiscated assets, the panellist from the United Kingdom underscored the need to strike a balance between diverting criminal proceeds to fund the operations of anti-corruption authorities and the need to compensate victims by applying funds to socially useful purposes. He also clarified that in cases of cross-border corruption and illicit financial flows, the interests of States where relevant conduct had occurred were taken into account, in particular through administrative settlements. He emphasized that the choice of criminal, civil or administrative channels for asset recovery could have implications for the admissibility of evidence. One speaker highlighted the practical advantages of civil and administrative mechanisms, including evidentiary thresholds and simplified procedures, as well as their preventive effects, especially on legal persons. He further shared information about his country's framework for the determination of sanctions taking into consideration the gravity of offences. The panellist from the United Republic of Tanzania described the temporary freezing powers available under domestic legislation in the course of investigations through prohibitory orders by the Attorney General against persons in possession of criminal proceeds. He also highlighted the value of informal channels of communication with law enforcement agencies to further investigations and prevent the use of illicit proceeds nationally.

43. Speakers and panellists also shared their experiences on the participation of stakeholders, including civil society and the private sector, in the development of national legislation. The panellist from the United Kingdom highlighted the significant role that broad consultations at the national level had had in the development of legislation in line with the Convention and international standards. For example, consultations with non-governmental stakeholders had led to the development of regulations requiring consent to institute corruption prosecutions to be issued by technical officers operating in accordance with published criteria for the initiation of prosecutions, rather than by the Attorney General (as both a political appointee and legal officer). Relevant guidance on the implementation of national legislation for civil society and the private sector had also been published on the Government's website. The important role of the media in holding government to account, in particular with regard to elected officials and political-party financing, was noted. The panellist from Romania highlighted platforms for communication between central and local government with independent agencies, as well as civil society and the private sector, as a monitoring mechanism in furtherance of the implementation of national legislation.

44. Several speakers and panellists acknowledged the need for further discussion on the role of professional facilitators and persons in the private sector, such as lawyers, accountants and estate agents, who often played a key role in facilitating corruption offences. Some speakers acknowledged that the Convention (articles 26 and 27) could be the framework for discussion. Panellists referred to cases in which professionals had been held to account for facilitating money-laundering and to investigations in which documents in the custody of international organizations had

been obtained despite applicable immunities. The importance of involving other categories of persons in anti-corruption efforts, including members of the judiciary and prosecution services, through sensitization, participation and training, was also emphasized.

45. During the discussion on illicit enrichment, the panellist from the United Republic of Tanzania explained that there were no constitutional challenges in his country related to the burden of proof, because the Supreme Court had clarified that the prosecution's standard of proof in criminal cases was not affected by the evidentiary threshold for illicit enrichment cases under relevant legislation.

Chapter IV

(a) General discussion

46. Speakers reaffirmed the need for effective judicial cooperation among States parties and for full implementation of chapter IV of the Convention. They reiterated the need for an unwavering commitment to providing one another the widest measure of international cooperation in criminal matters, in line with the relevant provisions of the Convention. Some speakers reported on reforms in their legislation and treaties on international cooperation. Several speakers highlighted the fact that participation in the Review Mechanism enabled them to become aware of good practices of other States in the implementation of chapter IV.

47. Reference was also made to specific challenges, including the prohibition in many legal systems of the extradition of nationals, problems in replying expeditiously to incoming international cooperation requests and challenges in the provision of spontaneous information. Good practices relating to the extradition of nationals included conditional extradition, as referred to in paragraph 12 of article 44 of the Convention. For facilitating expeditious replies, it was recommended that the requesting State clearly express the urgency of a request when considered necessary. States were also encouraged to make full use of their prerogative to spontaneously share information, while using a balanced approach and respecting privacy and due-process rights.

48. One speaker stated that the use of the Convention as a legal basis should be strengthened. In this regard, it was suggested that the Secretariat start to systematically collect and analyse the information available on the use of the Convention as a legal basis for international cooperation in criminal matters, in particular with regard to extradition and mutual legal assistance. Another speaker made reference to difficulties in obtaining reliable data on the use of the Convention as a legal basis for law enforcement cooperation.

49. Several speakers made reference to article 43 of the Convention, which stipulates that States parties should consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption, and to resolutions 5/1 and 5/3 of the Conference, in which States parties had been invited to share their practices in this regard. On that topic, some speakers noted that the template on international cooperation in civil and administrative procedures relating to corruption, contained in 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 responses.

50. Two speakers raised the issue of hearing witnesses through videoconferencing and other forms of electronic communication in extradition and mutual legal assistance proceedings. The need to provide a legal basis for such means and to ensure that the testimony had evidentiary status in the proceedings was highlighted.

51. One speaker presented the work of IberRed, highlighted the usefulness of regional judicial networks and advocated the creation of operational links between them.

(b) *Panel discussion*

52. In accordance with the guidance provided by the Group, a panel discussion was organized to facilitate the Group's deliberations on the review of implementation of chapter IV. Representatives of Australia and Cuba were invited to participate. Panel presentations are available on the web page of the Implementation Review Group.

53. A number of the good practices presented and discussed had to do with timely and expeditious responses to incoming cooperation requests. The basis for success in this regard was identified as seamless coordination among national institutions in responding to international cooperation requests, which could be achieved through the establishment of coordination committees. It was also mentioned that databases for the tracking of incoming international cooperation requests were helpful for responding in a timely manner. Speakers also referred to the need for good channels of communication between central authorities.

54. With regard to the legal basis, the provision of international cooperation on the basis of the Convention or on the principle of reciprocity was highlighted as a good practice. A policy of continuous updating of international cooperation treaties and memorandums of understanding between law enforcement authorities was also mentioned.

55. Informal cooperation between law enforcement authorities was highlighted as an important factor in successful international cooperation. Some countries reported on the cooperation of their law enforcement authorities with counterparts in other States. One speaker reported on the experience of his country in posting a number of liaison officers in other countries as a means to achieve the same goal. A solid domestic framework on criminal investigation was considered a necessary basis for successful cooperation.

(c) *Thematic overview of recommendations*

56. The secretariat provided a summary of the thematic overview of recommendations contained in document CAC/COSP/IRG/2014/10.

57. Speakers noted that recommendations in country reports varied to a certain extent. Further discussion was considered necessary to ensure that the country review reports were consistent and that recommendations were balanced. The view was expressed that consideration should be given to the question of whether more guidance could be given to reviewing experts. One speaker made reference to the *Legislative Guide for the Implementation of the United Nations Convention against*

Corruption and the Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Corruption as a possible basis for such guidance. Inspiration could be also drawn from other existing review mechanisms, which over many years of operation had resulted in more standardized recommendations.

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

58. The Conference, in its decision 5/1, decided that the Implementation Review Group should begin promptly to collect, with the support of the secretariat, and discuss relevant information to facilitate the assessment of performance in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle, and that the Group should include in its future sessions an agenda item allowing for the discussion of such information.

59. In order to facilitate the discussion under this new agenda item, a comprehensive introduction to the documentation was provided, as the conference room papers were available in English only. Reference was made to document CAC/COSP/2013/14, in which it was noted that over 1,400 anti-corruption practitioners had been trained in the operation of the Review Mechanism, thus contributing to the creation of a global community of anti-corruption experts. Furthermore, the global and inclusive nature of the Mechanism was noted, which was made possible by the committed support of donors for the full participation of developing countries and least developed countries. Contributions received from States on the assessment of the performance of the Mechanism contained comments on several general and cross-cutting themes: the guiding principles of the Mechanism; timelines for the different steps of the review process; technical assistance; thematic reports and good practices identified; civil society; follow-up to country reviews; other regional or sectoral review mechanisms; funding; and the work of the Group. In addition, contributions had addressed specific aspects of the country review process, and suggestions were made in that regard. An overview was provided of the comments received from States on the draft outline of the question flow and the proposed thematic structure, as well as the draft for discussion of the revised checklist. Comments included suggestions on the general information section; the proposed structure; guidance boxes; and the questions for the two chapters to be reviewed.

60. Speakers emphasized that, as the first cycle had not yet been concluded, in accordance with paragraph 48 of the terms of reference, it was premature to assess the performance of the Mechanism. It was stated that in any event, the discussion on relevant matters was still at an incipient stage, thus making it not possible for the Group to reach conclusions and make recommendations at its current session for consideration by the Conference of the States Parties.

61. Speakers stated that it was important to start discussing potential improvements to the performance of the Mechanism with a view to their implementation in the second review cycle. Some speakers referred to the overarching objective of advancing the implementation of the Convention.

62. Several speakers highlighted their satisfaction with the operation of the Review Mechanism and stated that no major changes would be required. Some speakers noted the need to “review the review” and consider suggestions for improvement, including additional suggestions by States parties to be collected and consolidated by the secretariat, thus enabling the Group to have an overview of the process, manage its work and maintain continuity. Information contained in the progress reports prepared for the Group contained evidence of practices emerging from the country review processes with regard to the different features of the Mechanism. Speakers referred to the indicative nature of the timelines for review, while also calling on States and the secretariat to adhere to them as far as possible.

63. Speakers recalled the negotiations leading up to the carefully balanced compromise that had been reached at the third session of the Conference with regard to the terms of reference, and the understanding of delegations with regard to several of its features. In that regard, speakers stressed the need to abide by the guiding principles contained in the terms of reference. Several speakers noted that a range of improvements could be undertaken without amending the terms of reference by adopting a flexible and pragmatic approach that was also progressive and comprehensive.

64. Several speakers referred to comments provided on the draft self-assessment checklist for the second cycle. The experience of filling out the self-assessment checklist in the first cycle had proved to be a learning process, and the early technical adjustments that had been made were welcomed. Several speakers pointed out that the comprehensive self-assessment checklist could be shortened to ease the burden on focal points. Others were satisfied with the checklist as it was and pointed to the need for detailed information in order to be able to assess the implementation of the Convention. Several speakers reported on their States’ experience in filling out the self-assessment checklist and coordinating various national authorities and relevant stakeholders. The scope of the checklist was also referred to by some speakers. Some speakers stated the need to preserve the quality, scope, depth and comprehensiveness of the self-assessment checklist.

65. The dialogue phase of the country reviews was addressed by several speakers, who reported on their States’ experience with direct dialogue through country visits. It was noted that the majority of States had agreed to direct dialogue in order to complement the desk review. Several speakers shared their experience of including civil society, the private sector and academia in the review process, usually during the country visit, and highlighted the benefits of that inclusion to their review. Others stressed the intergovernmental nature of the review process.

66. Speakers referred to processes to follow up on recommendations issued in the country review process and shared their ideas on appropriate reporting on follow-up actions, including short oral reports to the Group. The use of information technology tools and web-based applications for the sharing of information, including on follow-up, was also mentioned.

67. Speakers noted the wealth of information that was being produced through the country review process and being reflected in the thematic reports and regional addenda. Consideration could be given to an end-of-cycle product. Some speakers also welcomed the voluntary publication of full country review reports. The identification and dissemination of good practices was also viewed as useful. Some

speakers requested the Secretariat to provide a consolidated document that would draw on lessons learned, as well as provide ideas and suggestions for improvement based on both the experiences of the secretariat and on analysis of proposals made by States, for consideration at the resumed session of the Group. The secretariat was to provide the Group with information on the average time each review stage had taken.

68. With regard to funding, some speakers highlighted their support for the mixed funding model contained in the terms of reference, consisting of regular budget and voluntary contributions, while others stated that the Mechanism should be funded fully through the regular budget of the United Nations. Several speakers noted the importance of training and assistance provided over the course of the country review process.

V. Technical assistance

69. Following the presentation of the documentation on technical assistance (CAC/COSP/IRG/2014/2 and CAC/COSP/IRG/2014/3) by the secretariat, speakers expressed appreciation for the quality of the documents at hand, the wealth of information contained therein and their usefulness to the Group's work in identifying technical assistance needs. Several speakers emphasized the importance of technical assistance in implementing the Convention and expressed their support for efforts to strengthen the Review Mechanism in that respect, and renewed their commitment to promote and facilitate technical assistance delivery.

70. The value of the country review reports and the significant role of the Review Mechanism for the identification of needs as a basis for the provision of technical assistance were also emphasized. Examples were given of how the Mechanism had proved useful in furthering cooperation between national institutions, and one speaker explained how the review process had helped raise awareness of corruption issues, making them a political priority.

71. Speakers gave examples of how technical assistance had supported the development of action plans, legislative reforms and the establishment of new institutions. One speaker suggested that national action plans be made available through the UNODC country profile pages as a way of identifying entry points for technical assistance. Another speaker underlined the importance of civil society organizations as partners in the implementation and follow-up processes, as they were familiar with the issues and could often propose innovative solutions.

72. Some speakers noted that a further analysis of technical assistance needs at the regional level had proved useful in informing programming decisions and identifying correlations and possible synergies among the countries concerned. Other speakers highlighted how regional cooperation could help in the implementation of the Convention and the evaluation of its impact, given similarities between the institutional frameworks and the challenges within a region.

73. Several speakers highlighted their positive experiences in receiving and providing successful technical assistance. Bilateral donors, multilateral organizations such as the Commonwealth Secretariat and the International Organization of la Francophonie, as well as UNODC, UNDP and the World Bank,

had all provided such assistance. Speakers also noted with appreciation the ongoing support and technical assistance activities of UNODC and the World Bank through their joint Stolen Asset Recovery Initiative. The importance of country-led and country-based technical assistance, as well as integrated and coordinated technical assistance programme delivery, in line with Conference resolution 3/4, was reiterated. In that context, it was emphasized that while short-term, targeted assistance was important, there was a need to make longer-term commitments in order to ensure sustainability.

74. In line with the guidance provided by the Group, a panel discussion was organized to facilitate its deliberations on the review of implementation. Representatives of El Salvador, Namibia, the Republic of Korea, the European Union and UNODC were invited to participate. The panel presentations are available on the UNODC website.

75. During the ensuing discussion, several speakers stressed the importance of regional and South-South cooperation in the implementation of the Convention. In that regard, the establishment of the Africa Anti-Corruption Centre of the Commonwealth in Botswana was noted. The Centre was focused on strengthening the implementation of the Convention, as well as the implementation of regional protocols and conventions, such as the African Union Convention on Preventing and Combating Corruption. Training courses for officials of anti-corruption bodies and police and prosecution officials were being held at the Centre.

76. Speakers highlighted the need for raising awareness with regard to technical assistance and ways to access it. Speakers thanked other participants for sharing their experiences and stressed the importance of learning from those experiences. In particular, the importance of the Review Mechanism as a starting point for technical assistance was discussed, and the need for appropriate follow-up highlighted. In that respect, several speakers referred to the usefulness of States parties creating a matrix of technical assistance needs, mapping recommendations and observations for follow-up. The issue of prioritization under the action plan was discussed; depending on the domestic context, one possibility was to prioritize on the basis of the level of obligation under the Convention, with mandatory provisions being implemented prior to non-mandatory provisions. Another way of prioritizing could be to give preference to areas where immediate results would be delivered.

77. During the discussion, the form in which technical assistance was being provided was raised, and several speakers pointed out that, while training courses were beneficial, material assistance and equipment should also be provided, in particular with a view to enhancing the tracing of assets. In addition, the timing of technical assistance was discussed. Speakers indicated their preference for technical assistance to be delivered as soon as gaps in implementation were identified during the review process.

78. In addition, speakers indicated the importance of the review process for identifying technical assistance needs. During the discussion, a speaker pointed out that the review process had assisted in bringing together different accountability bodies and contributed to the increased prioritization of the fight against corruption. The speaker also highlighted the importance of the work of the regional anti-corruption advisers, in particular to enhance cooperation among small island countries. Several speakers welcomed the opportunity to share experiences and

expressed their interest in learning from the views of countries receiving technical assistance.

79. Some speakers requested the support of the secretariat to raise awareness of their national institutions, as well as the support of donors for the implementation of the Convention in order to strengthen the efforts of national anti-corruption authorities.

VI. Financial and budgetary matters

80. The secretariat submitted updated budgetary information on expenditures incurred so far for the first four years of operation of the Mechanism, revised estimates for the first four years of the Mechanism, resources received from both the regular budget of the United Nations and voluntary contributions, resource requirements for the fifth year of the Mechanism and interim cost-saving measures. The secretariat expressed appreciation for the voluntary contributions made so far by States to support the Mechanism, including pledges announced during the current session of the Implementation Review Group, stating that the funding shortfall was almost bridged.

81. Speakers expressed their satisfaction with the work of the secretariat and the clarity of the document before them. Several speakers stated their support for the current funding model of the Mechanism, with parts of it funded from the regular budget of the United Nations and other parts from voluntary contributions, in line with resolution 3/1 of the Conference and the terms of reference of the Mechanism. Other speakers expressed the view that the Mechanism should be fully funded from the regular budget of the United Nations in order to ensure sustainability and impartiality.

82. The secretariat stressed the need to broaden the donor base for the Mechanism in order to increase the predictability and stability of funding, both of which were key for the effective and sustainable functioning of the Mechanism. States were encouraged to provide additional financial contributions to the Mechanism to cover any remaining shortfall. Upon the request of one speaker, clarifications were made as to the different items to be covered by voluntary contributions, in particular the translation of working documentation of the Mechanism and the participation of least developed countries in the sessions of the Group.

83. The secretariat was requested to prepare financial estimates for the second cycle for the consideration of the Group. The secretariat noted that the ongoing discussions on the performance of the Mechanism, which were expected to continue at the resumed session, would need to be taken into account when preparing those estimates, and that more time might therefore be necessary to prepare an accurate forecast.

84. The secretariat highlighted the transparent manner in which financial and budgetary matters were being presented to the Group and reiterated its commitment to continue that practice.

VII. Other matters

85. A summary of the briefing for non-governmental organizations, held in accordance with resolution 4/6 of the Conference, was made available to the Group (CAC/COSP/IRG/2014/CRP.11).

VIII. Provisional agenda for the sixth session

86. At its 9th meeting, on 6 June 2014, the Implementation Review Group adopted the provisional agenda for its sixth session (CAC/COSP/IRG/2014/L.2).

IX. Adoption of the report

87. At its 9th meeting, on 6 June 2014, the Implementation Review Group adopted the report on its fifth session (CAC/COSP/IRG/2014/L.1 and Add.1-3).

Annex I

Provisional agenda for the sixth session of the Implementation Review Group

1. Organizational matters:
 - (a) Opening of the session;
 - (b) Adoption of the agenda and organization of work.
2. Review of implementation of the United Nations Convention against Corruption.
3. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
4. Technical assistance.
5. Financial and budgetary matters.
6. Other matters.
7. Provisional agenda for the seventh session of the Implementation Review Group.
8. Adoption of the report of the Implementation Review Group on its sixth session.

Annex II

Mechanism for the Review of Implementation of the United Nations Convention against Corruption: country pairings for the first review cycle

First year

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
Group of African States	Zambia	Zimbabwe	Italy
	Uganda	Ghana	Romania
	Togo	United Republic of Tanzania	Uganda
	Morocco	South Africa	Slovakia
	Sao Tome and Principe	Ethiopia	Mongolia
	Rwanda	Senegal	Lebanon
	Niger	Mauritius	Russian Federation
	Burundi	Egypt	Bolivarian Republic of Venezuela
Group of Asia-Pacific States	Jordan	Maldives	Nigeria
	Bangladesh	Islamic Republic of Iran	Paraguay
	Mongolia	Yemen	Kenya
	Fiji	Bangladesh	United States
	Papua New Guinea	Tajikistan	Malawi
	Indonesia	Uzbekistan	United Kingdom
Group of Eastern European States	Lithuania	Russian Federation	Egypt
	Croatia	Montenegro	Lao People's Democratic Republic
	Bulgaria	Albania	Sweden
	Ukraine	Slovenia	Poland
Group of Latin American and Caribbean States	Chile	El Salvador	Ukraine
	Brazil	Mexico	Haiti
	Dominican Republic	Nicaragua	Uruguay
	Argentina	Panama	Singapore
	Peru	Plurinational State of Bolivia	Ecuador
Group of Western European and Other States	United States	Sweden	The former Yugoslav Republic of Macedonia
	Finland	Greece	Tunisia
	Spain	Belgium	Lithuania
	France	Denmark	Cabo Verde

Second year

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
Group of African States	Seychelles	Democratic Republic of the Congo	Sao Tome and Principe
	Mauritius	Guinea-Bissau	Lesotho
	Benin	Zimbabwe	Finland
	Mozambique	Burkina Faso	Dominican Republic
	Congo	Morocco	Serbia
	Cabo Verde	Malawi	Costa Rica
	Central African Republic	Tunisia	Ghana
	Sierra Leone	Benin	Thailand
	South Africa ^a	Senegal	Mali
	Zimbabwe ^a	Madagascar	Malawi
	Cameroon ^a	Angola	The former Yugoslav Republic of Macedonia
Group of Asia-Pacific States	Brunei Darussalam	Yemen	Liechtenstein
	Iraq	Malaysia	Jordan
	Lao People's Democratic Republic	Mongolia	Luxembourg
	Kazakhstan	Pakistan	Qatar
	Philippines	Bangladesh	Egypt
	Viet Nam	Lebanon	Italy
	Timor-Leste ^a	Fiji	Namibia
	United Arab Emirates ^a	Maldives	Portugal
	Islamic Republic of Iran ^a	Indonesia	Belarus
	Kuwait ^a	Sri Lanka	Ethiopia
	Group of Eastern European States	Slovakia	Poland
Serbia		Romania	Ukraine
Montenegro		Armenia	United Kingdom
Estonia		Albania	Burundi
Azerbaijan		Bosnia and Herzegovina	Guatemala
Russian Federation		Ukraine	Ecuador
Georgia ^a		Hungary	Cyprus
Group of Latin American and Caribbean States	Cuba	Brazil	Guatemala
	Uruguay	Argentina	Brazil
	El Salvador	Plurinational State of Bolivia	Singapore
	Nicaragua	Cuba	Nepal
	Colombia	Honduras	Slovenia
	Panama	Bahamas	Estonia
	Dominica ^a	Chile	Paraguay
	Jamaica ^a	Trinidad and Tobago	Netherlands

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
Group of Western European and Other States	Australia	United States	Turkey
	Norway	Sweden	Kuwait
	United Kingdom	Israel	Greece
	Portugal	Spain	Morocco
	Switzerland ^a	Finland	Algeria

^a Deferred from previous year of the cycle.

Third year

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
Group of African States	Lesotho	Botswana	Gabon
	Djibouti	Libya	Peru
	Algeria	Niger	Latvia
	Ghana	Rwanda	Swaziland
	United Republic of Tanzania	Sierra Leone	Australia
	Burkina Faso	Congo [Guinea]	Rwanda
	Tunisia	Seychelles	Togo
	Angola	Liberia	Timor-Leste
	Mauritania ^a	Central African Republic	Marshall Islands
	Group of Asia-Pacific States	Republic of Korea	India
Cyprus		Nauru	Austria
Malaysia		Philippines	Kenya
Pakistan		Solomon Islands	Norway
Qatar		Federated States of Micronesia	Dominica
Afghanistan		China	Brunei Darussalam
Sri Lanka ^a		Papua New Guinea	China
Group of Eastern European States		Hungary	Republic of Moldova
	Slovenia	Latvia	Djibouti
	Latvia	Georgia	Ireland
	Romania	Estonia	France
	The former Yugoslav Republic of Macedonia	Croatia	Iceland
	Armenia	Lithuania	Kyrgyzstan
	Group of Latin American and Caribbean States	Mexico	Peru
Paraguay		Colombia	Philippines
Plurinational State of Bolivia		Costa Rica	Zambia
Trinidad and Tobago		Argentina	Palau
Guyana		Cuba	Vanuatu
Bolivarian Republic of Venezuela		Chile	United Arab Emirates
Group of Western European and Other States		Sweden	France
	Canada	Switzerland	Iraq
	Luxembourg	Austria	Switzerland
	Italy	Liechtenstein	Kazakhstan
	Netherlands	Australia	Uruguay
	Austria	Israel	Viet Nam
	Malta ^a	Spain	Cambodia

^a Deferred from previous year of the cycle.

Fourth year

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>	
Group of African States	Senegal	Comoros	Croatia	
	Liberia	Benin	South Africa	
	Kenya	Cabo Verde	Papua New Guinea	
	Nigeria	Lesotho	Montenegro	
	Gabon	Sierra Leone	Lao People's Democratic Republic	
	Malawi	Djibouti	Kuwait	
	Libya	Mozambique	Namibia	
	Madagascar	Nigeria	Nicaragua	
	Namibia	Ethiopia	Canada	
	Ethiopia	Togo	Malta	
	Democratic Republic of the Congo ^a	Mauritius	Viet Nam	
	Botswana ^a	Burundi	Bulgaria	
	Egypt ^b	Burkina Faso	Algeria	
	Guinea-Bissau ^b	Cameroon	Palau	
	Swaziland ^a	Botswana	Sri Lanka	
	Comoros ^a	Seychelles	Trinidad and Tobago	
	Côte d'Ivoire ^a	Democratic Republic of the Congo	Azerbaijan	
	Mali ^b	Niger	Afghanistan	
	Guinea ^a	Mauritania	Saint Lucia	
	Group of Asia-Pacific States	Kyrgyzstan	Indonesia	Pakistan
		Maldives	Palau	Cabo Verde
		Lebanon	Islamic Republic of Iran	Seychelles
		Uzbekistan	Sri Lanka	Georgia
		Palau	Malaysia	Cambodia
		Turkmenistan	Kyrgyzstan	Cyprus
		Singapore	Lebanon	Swaziland
China		Viet Nam	Bahamas	
Tajikistan		Cook Islands	Hungary	
Bahrain ^a		Jordan	Honduras	
Thailand ^a		Nepal	Bahrain	
India ^a		Kazakhstan	Uganda	
Nepal ^a		Fiji	Benin	
Vanuatu ^a		Solomon Islands	India	
Cook Islands ^a		Qatar	Belarus	
Marshall Islands ^a		Papua New Guinea	Central African Republic	
Solomon Islands ^a		Iraq	Slovakia	
Federated States of Micronesia ^a		Mongolia	Republic of Korea	
Nauru ^a		Timor-Leste	Jamaica	
Yemen ^b		United Arab Emirates	Sao Tome and Principe	

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
	Cambodia ^b	Myanmar	Togo
	Myanmar ^a	Thailand	Burundi
	Saudi Arabia ^a	Cambodia	Mozambique
	Oman ^a	Kiribati	Saudi Arabia
	State of Palestine ^a	Oman	Guyana
	Group of Eastern European States	Poland	Serbia
Belarus		Georgia	Republic of Moldova
Bosnia and Herzegovina		Hungary	Portugal
Albania		Armenia	Mali
Republic of Moldova		Bosnia and Herzegovina	Norway
Czech Republic ^a		Republic of Moldova	Turkmenistan
Group of Latin American and Caribbean States	Ecuador	Guatemala	Dominica
	Haiti	Colombia	Indonesia
	Costa Rica	Bolivar Republic of Venezuela	Democratic Republic of the Congo
	Honduras	Dominican Republic	Nauru
	Guatemala	Panama	Congo [Antigua and Barbuda]
	Antigua and Barbuda	Brazil	Fiji
	Bahamas	El Salvador	Zambia
	Saint Lucia ^a	Cuba	Marshall Islands
Group of Western European and Other States	Turkey	Belgium	Malaysia
	Greece	Ireland	Gabon
	Belgium	Netherlands	Mexico
	Denmark	Austria	United Republic of Tanzania
	Israel	Greece	Uzbekistan
	Liechtenstein ^a	Canada	United Arab Emirates
	Iceland ^a	Norway	Madagascar
	Ireland ^a	Luxembourg	Brunei Darussalam

^a State party that ratified or acceded to the Convention after the drawing of lots at the first session of the Implementation Review Group.

^b Deferred from previous year of the cycle.