Report of the Implementation Review Group on its first resumed eleventh session, held in Vienna from 31 August to 2 September 2020

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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 first resumed eleventh session in Vienna from 31 August to 2 September 2020, in a hybrid format (in person and online).

3. The Implementation Review Group held five meetings, which were chaired by Harib Saeed al-Amimi (United Arab Emirates), the President of the Conference at its eighth session; most of the meetings were held jointly with the Open-ended Intergovernmental Working Group on the Prevention of Corruption. The Implementation Review Group considered items 1, 4, 5, 6 and 8 of the agenda for its eleventh session. The Group considered items 4 and 5 of its agenda jointly with the Working Group on the Prevention of Corruption.

4. On 31 August, the Group adopted the organization of work for the session, as contained in the annotated provisional agenda (CAC/COSP/IRG/2020/1/Add.1).

5. In her introductory statement, the Secretary of the Conference, inter alia, informed the Group that the secretariat had endeavoured to adapt to the new circumstances and to ensure that the scheduled meetings were conducted without interruptions. She noted that the virtual and hybrid format of the meetings had resulted in a significant increase in the workload for the secretariat, including in the areas of the registration of participants, the collection of detailed information from delegations and the communication of information on online and in-person meetings. The Secretary also noted that those efforts had been undertaken against the backdrop of a regular budget liquidity crisis faced by the United Nations. The Secretary emphasized that, given the circumstances, the secretariat counted on States parties and other stakeholders to observe the deadlines for registration and to follow the detailed instructions regarding the registration for meetings. The secretariat would continue monitoring the situation and inform the Group accordingly.

B. Attendance

6. The following States parties to the Convention were represented at the session: Afghanistan, Albania, Angola, Argentina, Armenia, Austria, Azerbaijan, Belgium, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea,  

1 The attendance as presented in the present report is based on confirmed online connections and in-person participation.
Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

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

8. In accordance with rule 2 of Conference 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 may be invited to participate in the sessions of the Implementation Review Group.


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

A. Exchange of information, practices and experiences gained in the implementation of the Convention

B. Thematic discussion

11. Agenda item 4, entitled “State of implementation of the United Nations Convention against Corruption”, was discussed together with item 2 of the agenda for the eleventh meeting of the Working Group on the Prevention of Corruption at joint meetings of the two groups held on 31 August and 1 September 2020.

12. A representative of the secretariat briefed the Group on the latest trends and findings emerging from the completed country reviews under the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, on the basis of the thematic report by the Secretariat on the implementation of chapter II (Preventive measures) of the Convention (CAC/COSP/IRG/2020/3/Rev.1). She noted that the overall trends identified in the 42 completed executive summaries remained consistent to a certain extent but also reflected a number of new nuances.

13. The representative informed the Group that the challenges most frequently encountered were related to codes of conduct for public officials (art. 8), the public sector (art. 7) and the private sector (art. 12). In comparison with the previous update, a significantly higher number of challenges had been identified with respect to codes of conduct for public officials (art. 8), while article 14, on measures to prevent
money-laundering, had received a lower number of recommendations in the most recent sample. She also elaborated on the good practices identified in the implementation of chapter II of the Convention. The largest number of those was in the areas of preventive anti-corruption policies and practices (art. 5), the participation of society (art. 13) and measures to prevent money-laundering (art. 14). In contrast to the previous update, article 14, on measures to prevent money-laundering, had replaced article 9, on public procurement and the management of public finances, as one of the three articles in relation to which the largest number of good practices had been identified. The least number of good practices continued to be identified in relation to the implementation of article 11, on measures relating to the judiciary and prosecution services.

14. In the ensuing discussion, one speaker highlighted the significance of the Implementation Review Mechanism and reiterated his country’s commitment to the Mechanism and the implementation of the Convention. In addition, he shared developments that had taken place in his country following the completion of the country review, including the formulation of a new phase under the national anti-corruption strategy, enhanced integrity in the public sector, increased public awareness and the development of relevant educational programmes. The speaker also referred to enhanced inter-agency coordination and international cooperation in the fight against corruption. The speaker underlined the need for effective education and raising awareness among young people about the issue of reporting corruption.

15. Several speakers reported on the work undertaken by their Governments and the progress made in the country reviews under the Implementation Review Mechanism and referred to the benefits of the Mechanism in assisting States in fully implementing the Convention. Speakers referred to reforms of anti-corruption laws, institutions and policies that had been undertaken, among other reasons, in response to the findings and outcomes of the country reviews, including in the areas of corruption prevention, criminalization, the protection of reporting persons, money-laundering, international cooperation and asset recovery, including civil forfeiture mechanisms. One speaker referred to the benefits her country had derived from its second cycle review in enabling debate and collaboration among all stakeholders dealing with integrity and corruption, including State institutions and civil society.

16. States parties reiterated their commitment to the Implementation Review Mechanism. Some speakers reiterated the importance of the guiding principles of the Mechanism and noted in particular the non-intrusive, non-adversarial, inclusive and impartial character of the Mechanism, whose overall goal was to assist States parties in fully implementing the Convention. Two speakers recalled in particular the importance of adhering to the principle of non-interference in the domestic affairs of States parties. Furthermore, one speaker urged States parties to adhere to the indicative time frames set out in the basic documents of the Mechanism and reiterated his country’s commitment to participating in the reviews and direct dialogue, even during the current health pandemic. Another speaker urged States parties to refer to his country’s self-assessment checklist that had been published on the website of the United Nations Office on Drugs and Crime (UNODC) and encouraged States parties to also publish their checklists. In addition, some speakers emphasized the value of the country reviews in identifying technical assistance needs and referred to the importance of technical assistance in assisting States in effectively implementing the Convention. One speaker referred to his country’s anti-corruption efforts at the regional level, including the hosting of the first African Anti-Corruption Forum and active participation in the African Peer Review Mechanism.

Panel discussion on reporting systems and protection mechanisms for witnesses, experts, victims and reporting persons in accordance with articles 32 and 33 of the Convention

17. To facilitate the Group’s discussion, and in line with the thematic focus of the first resumed eleventh session, a panel discussion was held on the topic “Blowing the whistle on corruption: reporting systems and protection mechanisms for witnesses,
experts, victims and reporting persons in accordance with articles 32 and 33 of the Convention”. It was noted that a second panel discussion, on bribery offences, which had originally been planned for the session, had been postponed owing to the limited time available and would be held during the second resumed eleventh session of the Group, in November 2020.

18. A representative of the secretariat introduced the panel topic. In her remarks, she noted that the panel topic was based on a mandate in Conference resolution 8/6, in which the Conference had recommended that States parties consider establishing confidential complaint systems and effective programmes and measures for the protection of witnesses, experts, victims and reporting persons, consistent with articles 32 and 33 of the Convention. The panellists had been invited to discuss results, challenges and lessons learned in the protection of participants in the criminal process and reporting persons. The speaker noted that the first review cycle had shown that many countries faced challenges in the design and implementation of effective protection frameworks, as demonstrated by the high number of recommendations made and technical assistance needs identified and the corresponding low number of good practices identified under those articles of the Convention. It had also been shown that there was often confusion among governmental experts with regard to the two different sets of requirements under articles 32 and 33 of the Convention.

19. The panellist from South Africa presented his country’s framework for the protection of witnesses and the implementation of the Witness Protection Act, including the work of the Office of Witness Protection, its operational model and possibilities for international cooperation. The presentation covered key aspects of the witness protection programme, such as applications for protection, the different stages in the process, specific characteristics of the persons in need of protection, services available, consequences of non-compliance and challenges in the application of protection measures. The panellist underscored the importance of moving witnesses and/or related persons away from the assessed threat, which was considered a central function of the Office of Witness Protection. He highlighted various activities and initiatives carried out under the programme, such as high-level capacity-building, training to facilitate knowledge-sharing and the affording of tailored protection to witnesses in particularly high-profile and sensitive cases. In closing, the panellist highlighted the different challenges that had arisen during the process, such as predicting the often significant costs of effectively protecting witnesses in the light of the unpredictable demand for protection services, as well as challenges arising from the present coronavirus disease (COVID-19) pandemic, in particular during situations of strict lockdown, as well as with respect to social distancing measures.

20. The panellist from Ireland spoke about her country’s Witness Security Programme, which had been established in 1997 to address the identified need to provide protection to witnesses against attempts by criminal groups to interfere with the normal functioning of the criminal justice system. She informed the Group of the objective criteria for a witness to be included in the programme and elaborated on the details of the application process, the role of the police’s senior investigating officer for serious crimes investigation in the Witness Security Programme, and the Witness Security Unit and its assessment procedures, as well as available protection measures. The panellist shared lessons learned and outlined some of the challenges encountered, such as the absence of legislation to regulate the protection of witnesses, the geographical size of the country, and difficulties related to the relocation and behaviour of witnesses. She noted specific challenges related to the COVID-19 pandemic, which had created difficulties with respect to ensuring the safety of witnesses relocated outside of Ireland, for which the authorities of Ireland had to rely on the law enforcement authorities of the country of relocation, as well as with regard to witnesses appearing at scheduled trials and objections to the use of videoconferencing. Lastly, the panellist discussed available options to ensure international cooperation, including through the Europol Witness Protection Network, police-to-police cooperation and international relocation. In response to a question,
the panellist clarified that interim measures were available in the period pending the conclusion of the preliminary threat assessment, which could take up to six months. Interim protection measures could include de facto protection within the territory of Ireland. The panellist further clarified that protection measures were available once a witness had provided a written statement in the investigation of a serious crime; in the absence of a statement, other measures could be provided for witnesses and their families, depending on the results of the threat assessment. Those included 24-hour protection and supervision of the location of the witness or other security measures, such as crime prevention advice.

21. The panellist from the Republic of Korea presented the measures taken in her country to ensure the effective protection of reporting persons, including related achievements, challenges and efforts to overcome those challenges. The panellist highlighted the importance of confidentiality, personal protection and the status of reporting persons, as well as the mitigation of culpability. She informed the Group about the applicability of the Act on the Protection of Public Interest Whistle-blowers and its relevance for reporting on issues related to public health and safety, identified in the Act as “public interest violation reporting”, including links to the current health situation. The panellist also spoke about initiatives to raise awareness and encourage reporting across the country, including the results of such initiatives. Finally, the panellist explained the benefits of proxy reporting, which had been introduced in 2018 as a means to promote confidentiality, given the restrictions on anonymous reporting under the Act on the Protection of Public Interest Whistle-blowers. Under the proxy reporting system, lawyers could file reports on behalf of reporting persons, and the lawyers’ names would be listed in the formal report, while the reporting persons remained unregistered, thus minimizing the risk of disclosure of the reporting persons’ identities.

22. In the ensuing discussion, several speakers provided information on the operation of their national systems for the protection of witnesses, experts, victims and reporting persons and the role of their relevant anti-corruption and protection bodies. Speakers highlighted the importance of articles 32 and 33 of the Convention and the related resolutions adopted by the Conference as a framework for strengthening the protection of reporting persons and participants in criminal proceedings.

23. One speaker underscored the importance of witness protection in his country and emphasized how the free legal aid system provided an opportunity for reporting persons to prepare and submit related information. He shared information on his country’s witness protection institution in terms of providing legal and methodological support and available protection, while observing due process and ensuring proper disclosure and resolution of conflicts of interest.

24. Several speakers highlighted the importance of ensuring the protection of reporting persons. In this context, one speaker informed the Group that, in her country, the right to report was considered a constitutional and legal right, allowing for irregular and unlawful acts to be revealed. Another speaker highlighted the positive role of technology in promoting reporting.

25. Another speaker shared statistics on the increase in the number of corruption reports received by his country’s anti-corruption commission since 2014, which represented a positive development while also requiring additional resources to handle the reports.

IV. Technical assistance

26. At its meetings held jointly with the Working Group on the Prevention of Corruption on 1 September 2020, the Implementation Review Group considered item 5 of its agenda, entitled “Technical assistance”, and item 2 of the agenda of the Working Group, entitled “Implementation of relevant Conference resolutions”. The joint meetings were held in line with Conference resolution 6/1, in which the
Secretariat had been requested to structure the provisional agendas of the Implementation Review Group and the other subsidiary bodies established by the Conference in such a way as to avoid duplication of discussions, while respecting their mandates, and pursuant to the workplan agreed for the period 2020–2021.

27. A representative of the secretariat provided an oral update regarding technical assistance needs identified in the second cycle reviews since the issuance of the note by the Secretariat analysing the needs emerging from both cycles of the Implementation Review Mechanism (CAC/COSP/2019/14). The update was based on the executive summaries of the 42 reviews issued during the second cycle of the Mechanism, 28 of which had identified technical assistance needs.

28. The representative of the secretariat noted that capacity-building continued to be the category of technical assistance needs most identified, with 43 per cent pertaining thereto. Legislative assistance was the second most-identified category, representing 18 per cent of all needs identified, while institution-building represented 13 per cent. Furthermore, in the most recent executive summaries identifying technical assistance needs, 11 States had indicated such needs in relation to chapter V (Asset recovery) and, of those, only 5 had also identified needs in relation to chapter II (Preventive measures). The representative of the secretariat explained that, as noted in previous presentations to the Group, that was explained by the fact that, when addressing recommendations stemming from the first cycle, States were also likely to start considering certain chapter II provisions ahead of their second cycle reviews. The representative noted that the trend nevertheless remained the same in that two thirds of the needs identified related to chapter II and one third to chapter V.

29. In closing, the representative of the secretariat informed participants that a note containing a comprehensive analysis of technical assistance needs identified under the second cycle would be presented to the Implementation Review Group at its second resumed eleventh session, to be held in November 2020.

30. In order to facilitate the Group’s deliberations under the item, a panel discussion on technical assistance was held. The first panellist to speak was from the Commission on Human Rights and Administrative Justice, the anti-corruption authority of Ghana. He presented his country’s National Anti-Corruption Action Plan, which had been developed following broad-based national consultations that included actors from civil society, academia and the private and public sectors and with financial support from the Danish International Development Agency. The Commission had been identified as the lead institution for the implementation of the Action Plan. On the basis of a gap analysis, a 10-year plan (2015–2024) had been developed, leading to the drafting of the Action Plan and its adoption by the Parliament of Ghana in July 2014. The panellist reported that progress had been made and a number of key laws had been adopted with a view to reinforcing the legal anti-corruption framework of Ghana, including the Office of the Special Prosecutor Act, 2018; the Witness Protection Act, 2018; and the Right to Information Act, 2019. A requirement to disclose beneficial ownership information had also been introduced. Ghana had also increasingly begun to use information technology to prevent corruption through the digitalization of processes in key revenue collection agencies, as well as in the banking and financial sectors. The panellist indicated that further efforts were nevertheless required with regard to general awareness-raising; examining the links between gender and corruption and corruption and human rights; and establishing safe reporting mechanisms for whistle-blowers. He noted that, although progress had been made, funding from the European Union Anti-corruption, Rule of Law and Accountability Programme would end in 2020 and that sustained support was a requirement for the full and effective implementation of the Action Plan until the end of 2024.

31. The second panellist to speak was from the Ministry of Foreign Affairs of the Russian Federation. She outlined her country’s efforts to safeguard sport from corruption, and provided an overview of relevant national legislation and law
enforcement measures in place to combat and prevent corruption in sport. The framework provided for criminal and administrative liability for exerting unlawful influence on the outcome of official sports competitions. In addition, the General Prosecutor’s Office and the Ministry of Sport had created an information booklet on combating corruption in sport to raise awareness with regard to those key issues. The panellist also provided an overview of the participation by the Russian Federation in international agreements, including the Criminal Law Convention on Corruption and the Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events, as well as the Convention on the Manipulation of Sports Competitions, to which the Russian Federation had yet to accede. She welcomed international efforts to prevent corruption in sport, notably the adoption of Conference resolutions 7/8 and 8/4. She highlighted the support of the Russian Federation for the international conferences on safeguarding sport from corruption held as a follow-up to the conferences organized by UNODC in 2018 and 2019, as well as the upcoming work under the initiative to establish a Vienna chapter of the Group of Friends of Sport for Development and Peace. She also highlighted the fact that, as part of implementation of those resolutions, a comprehensive thematic study was being planned in cooperation with UNODC, and several expert round tables and workshops were also foreseen. Finally, she called upon States to share with UNODC any assessments or analyses of corruption in sport with a view to gathering an evidence base for the planned thematic study.

32. The third panellist to speak was from UNAMA. She outlined how the Security Council had provided UNAMA with an explicit mandate to support Afghanistan in its anti-corruption reform efforts. As UNAMA, the United Nations Development Programme and UNODC were all implementing anti-corruption-related projects in the country, an inter-United Nations anti-corruption support strategy had been developed on the basis of the Afghan national anti-corruption strategy. Given the strong dependence of Afghanistan on international financial assistance, coordination of the donor community’s input to reform efforts was of particular importance. Accordingly, technical assistance, such as the provision of legislative and policy advice, was being provided in collaboration and coordination with other international partners. She noted that, on 8 September 2017, Afghanistan had adopted its two-year anti-corruption strategy with the support and advice of the United Nations. The implementation of the strategy was being overseen by the High Council for Rule of Law and Anti-Corruption through its specialized secretariat. The High Council was chaired by the President of Afghanistan and served as a political high-level coordination forum that had demonstrated the potential to catalyse anti-corruption reforms. The United Nations had observer status on the Council and in that capacity had been able to provide policy advice to the Government on corruption issues as one United Nations. In September 2018, the Government of Afghanistan had adopted an anti-corruption law that, inter alia, foresaw the establishment of an anti-corruption commission. In concluding, the panellist noted that the United Nations periodic, public analytical reporting on anti-corruption reforms had helped create a shared understanding of challenges and needs in relation to anti-corruption reforms. Furthermore, the establishment of solid anti-corruption institutions remained of key importance to Afghanistan as the country entered peace negotiations to end its protracted conflict and move towards a healthy, prosperous and secure future.

33. In the ensuing discussion, one speaker noted that his delegation had been approached by the delegation of a regional group at a session of a subsidiary body to the Conference with a request to learn more about the institutional and legislative framework in his country. A study visit had subsequently taken place, during which he had shared his country’s experience. He reiterated his country’s willingness to provide assistance, in particular with regard to its national anti-corruption policy, the fight against corruption and impunity in public administration, how to professionalize and promote the efficient use of assets in the public sector and the importance of generating reliable information. To that end, his country was working to develop indicators to allow its anti-corruption bodies to measure and evaluate their policies. Another speaker informed the Group that his country had reviewed its anti-corruption
legal framework to address challenges faced as a result of the COVID-19 pandemic. He noted that his country had consequently also adopted national corruption assessment indicators.

34. In thanking the Secretariat for its continued support for the Implementation Review Mechanism, several speakers reiterated the Mechanism’s importance as an effective tool to combat and prevent corruption. Several speakers highlighted that the full implementation of the Convention would not be achieved without support in the form of technical assistance. In that regard, one speaker recalled the fundamental principles of the Mechanism and outlined his country’s suggestion that the follow-up to the conclusions and observations emerging from the review process should consider the quality and quantity of technical assistance provided, thereby allowing for shortcomings to be identified and gaps to be filled. Speakers also noted positive experiences in relation to the inclusion of other stakeholders, such as the private sector, civil society and media, in their review processes, and called for the promotion of transparency in the country reviews. Another speaker noted that the Mechanism was invaluable for the identification of technical assistance needs and he therefore called upon States parties to make their full country review reports publicly available. The speaker noted that the information contained in those reports enabled a wide range of technical assistance providers to better assist States parties in their implementation of the Convention. One speaker highlighted that her country had recently signed a memorandum of understanding with UNODC with a view to addressing recommendations emanating from both review cycles. Another speaker expressed gratitude to the technical assistance providers and noted that a project was being formulated in partnership with UNODC to support her country’s anti-corruption authority in building national capacity to prevent and investigate corruption.

35. Further information on the discussion in relation to preventive measures can be found in the report of the Working Group on the Prevention of Corruption (CAC/COSP/WG.4/2020/5).

V. Other matters

36. The Chair informed the Group that, on 1 September 2020, a civil society briefing had been conducted on the margins of the current session, in accordance with Conference resolution 4/6, and that, after the conclusion of the session, a summary of the briefing would be made available on the web page for the session.

37. Moreover, the Chair informed the Group that a notification had been received from a State party indicating that a number of local organizations and societies had been prohibited from participating in international conferences and symposiums until their legal status was settled, and identifying their legal representatives. One of the organizations on the list was the Libyan Transparency Association, an organization not having consultative status with the Economic and Social Council that had expressed interest in and received an invitation to participate in the eighth session of the Conference, held in Abu Dhabi in December 2019.

38. The Chair noted that, in its resolution 4/6, the Conference had decided that if there was any objection to the participation of a non-governmental organization, the matter would be referred to the Implementation Review Group for decision, taking into account, mutatis mutandis, rule 17, paragraph 2, of the rules of procedure.

39. The Chair sought the guidance of the Group on whether the objection to the participation of the Libyan Transparency Association should be upheld. In that regard, he recalled that, in the past, when objections to the participation of non-governmental organizations had been submitted on similar grounds, they had been upheld by the Conference. The Group decided to uphold the objection.

40. The Chair informed the Group that the matter had also been brought to the attention of the extended Bureau of the Conference.
41. In response to a question raised, the Secretary of the Conference reiterated paragraph 1 (e) of Conference resolution 4/6, whereby any objection to the participation of a non-governmental organization in the briefing convened on the margins of the sessions of the Group was to be referred to the Group for decision.

42. A representative of the secretariat provided information to the Group on the status of in-person workshops and training sessions for focal points and governmental experts. He noted that, although the workshops and training sessions had been postponed owing to the COVID-19 pandemic, the secretariat would nevertheless offer shorter online briefing sessions and pretraining opportunities to duly nominated experts and focal points. The representative explained that those online sessions would be launched, in English only, in September 2020, and plans were in place to offer the same sessions in all of the official languages of the United Nations by the end of 2020. It was specified that those online sessions were intended to enhance the capacity of States participating in the Implementation Review Mechanism, pending the resumption of the in-person two-day workshops, which provided a more in-depth learning opportunity. Information on the preparatory online briefing sessions would be circulated shortly.

VI. Adoption of the report

43. The Implementation Review Group adopted the report on its first resumed eleventh session on 16 September 2020 by means of a silence procedure.