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English only

Implementation Review Group**Second resumed ninth session**

Vienna, 3–5 September 2018

Briefing for non-governmental organizations in accordance with resolution 4/6 of the Conference of the States Parties to the United Nations Convention against Corruption entitled “Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”**Summary**

1. At its fourth session, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 4/6 entitled “Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”. In that resolution, the Conference decided that briefings for non-governmental organizations would be convened on the margins of the sessions of the Implementation Review Group (hereinafter Group) on the outcomes of the review process, including technical assistance needs identified. The Conference also decided that those briefings would be conducted by the secretariat in cooperation with a member of the bureau and would be based on the reports of the Group, thematic implementation reports and regional supplementary addenda. The Conference requested States parties and signatories to use the briefings and to draw on the discussions and proposals of its fourth session to continue constructive dialogue on the contribution of non-governmental organizations to the Mechanism.

2. Moreover, in the same resolution, the Conference encouraged non-governmental organizations to report to it and/or the Group, as appropriate, individually or collectively, on their activities and contributions to the implementation of the recommendations and conclusions of the Group approved by the Conference, including those related to meeting technical assistance needs and advancing capacity to effectively implement the Convention. The briefings would serve to further promote constructive dialogue with non-governmental organizations dealing with anti-corruption issues and help to build confidence in the role and contributions that NGOs can make to the review process. The first briefing for non-governmental organizations, held in accordance with Conference resolution 4/6, took place in the margins of the third session of the Group on 20 June 2012, the second briefing was held in the margins of the fourth session of the Group on 30 May 2013, the third briefing was held in the margins of the fifth session of the Group on 5 June 2014, the fourth briefing was held in the margins of the sixth session of the Group on 4 June 2015, the fifth briefing for non-governmental organizations was held in the margins of the seventh session of the Group on 23 June 2016, and the sixth briefing



for non-governmental organizations was held in the margins of the eighth regular session of the Group on 22 June 2017.

3. The seventh briefing for non-governmental organizations was held in the margins of the first resumed ninth session of the Group on 5 September 2018 and was chaired by Ignacio Baylina Ruiz (Spain), Vice-President of the Conference and Chair of the first resumed ninth session of the Group. The Chair delivered introductory remarks, welcoming the decision taken by the Conference to involve non-governmental organizations in the work of the Mechanism.

4. At the start of the briefing, the representative of the Secretariat recalled Conference resolution 4/6 and reiterated the terms of the briefing for non-governmental organizations.¹ The programme for the briefing was contained in document CAC/COSP/IRG/2018/CRP.10. The briefing was structured in such a way to allow for a more interactive discussion by opening the floor for questions from and interventions by representatives of States parties and participants from non-governmental organizations at various points of the briefing.

5. Representatives of the Secretariat provided information about the work of the Group based on the following documents: a note by the Secretariat on the performance of the Mechanism for the Review of Implementation of the Convention (CAC/COSP/IRG/2018/2); a note by the Secretariat containing the progress report on the implementation of the mandates of the Group (CAC/COSP/IRG/2018/3); a report of the international expert group meeting on beneficial ownership transparency, held in Vienna on 3 and 4 October 2017 (CAC/COSP/IRG/2018/7); the thematic and regional reports by the secretariat on the implementation of Chapter II (Preventive measures) (CAC/COSP/IRG/2018/6) and Chapter V (Asset recovery) (CAC/COSP/IRG/2018/5); as well as oral updates on technical assistance provided by UNODC in support of the implementation of the Convention and on enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption.

6. Noting that the briefing should provide an opportunity for non-governmental organizations to make contributions on their activities, the Chair opened the floor for interventions.

7. Speakers expressed appreciation to the Secretariat for organizing the briefing and welcomed the new, more interactive, format of the briefing, noting its usefulness in facilitating the exchange of information and the discussion on global corruption issues. Speakers expressed concern regarding the impact that the lack of funding for the travel of civil society members had on their level of participation in the briefing. More generally, reference was also made by some speakers to the need to ensure the availability of funding for non-governmental organizations to carry out anti-corruption activities and donors were encouraged to provide such funding.

8. In the ensuing discussion, speakers referred to the work of the States Parties to the Convention in fighting corruption as well as to the complementary and valuable role of civil society in those efforts. In addition to civil society, speakers referred with appreciation to the involvement of other stakeholders, such as academia and the private sector, in the majority of reviews. They emphasized the need to continue to ensure both the meaningful engagement of civil society and transparency in the review process, as well as strong partnerships between governments and civil society in anti-corruption efforts. One speaker encouraged civil society to consider gender perspectives when participating in the reviews.

9. The briefing was informed by the Secretariat that, in the second review cycle, the rate of participation of civil society in country reviews stood at 100 per cent, through various aspects of the reviews such as participation in the completion of

¹ See documents CAC/COSP/IRG/2018/NGO/1–4, which are available at the following website: <http://www.unodc.org/unodc/en/corruption/IRG/session9-first-resumed.html>.

self-assessment checklists and/or country visits, and attendance of multi-stakeholder workshops convened in preparation for reviews.

10. Concern was expressed regarding delays in the progress made with regard to country reviews conducted in the second cycle and updates on efforts made to address this issue were requested. A representative of the Secretariat informed the briefing that the delays were not unexpected and that they were largely due to the comprehensive nature of chapter II of the Convention. In cases where States parties requested assistance in the completion of the self-assessment checklists and in organizing multi-stakeholder meetings, the Secretariat informed the meeting that it had received funding which would allow it to respond to such requests for assistance.

11. Speakers commended the States Parties that had chosen to publish their full reports on the UNODC website as a means of promoting transparency and encouraging the exchange of ideas in the context of anti-corruption. Several speakers shared information on their anti-corruption initiatives. Speakers discussed challenges related to enacting preventive laws and procedures, as well as to establishing preventive anti-corruption bodies. In terms of asset recovery, speakers discussed challenges associated with linking assets to particular crimes for the purpose of seizing and confiscating assets through civil forfeiture and non-conviction-based confiscation, with one speaker seeking the views of other States Parties on possible solutions and the contributions by civil society in this regard. Speakers shared their experiences on the use of measures to ease the burden of proof and to implement confiscation measures with a wider scope in order to facilitate the recovery of assets.

12. With respect to enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption, speakers expressed appreciation for the coordination of efforts by the various secretariats. Representatives of civil society expressed the willingness of their organizations to assist in enhancing synergies between organizations. Some speakers encouraged the secretariat to continue to extend these efforts to coordinating with regional anti-corruption review mechanisms such as the Organization of American States and the African Union, including its Advisory Board on Corruption. Speakers further encouraged the secretariat to continue its efforts to work with other relevant international organizations such as the World Bank, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme.

13. Several speakers referred to the usefulness of addressing corruption in a broader context. Speakers suggested that more attention should be given to cases of so-called “grand corruption” and the obstacles that corruption posed to achieving the Sustainable Development Goals. One speaker suggested enhancing synergies between the country reviews carried out in the framework of the 2030 Agenda for Sustainable Development and the reviews conducted in the context of the Implementation Review Mechanism, in order to avoid duplication. Other speakers stressed that a further study of linkages between corruption and human rights in the context of the Convention was required. Another speaker expressed support for enhancing linkages between the work and activities carried out in the areas of corruption and human rights and other areas, while emphasizing the need for each United Nations entity to adhere to and bear in mind its individual mandate. In this regard, the representative of the Secretariat referred to the continuing cooperation with the Geneva-based organizations and expressed hope that the outcomes of the individual country reviews conducted in the framework of the Implementation Review Mechanism would be taken into account in the process of measuring the progress made by individual countries in achieving the Sustainable Development Goals, in particular Goal 16.

14. Speakers noted with approval the work undertaken by States Parties and the Secretariat in the context of beneficial ownership transparency, and welcomed the recommendations emanating from the expert group meeting on beneficial ownership transparency, held in Vienna from 3 to 4 October 2017, as well as the activities envisaged for the future. They further noted the challenges associated with beneficial

ownership, including the adoption of a common definition. Speakers encouraged the inclusion of civil society in those efforts given the overlapping and complementary work currently being done by civil society in the area of beneficial ownership. Reference was made to and referred to concrete goalposts and steps that could be set up in this regard and it was also noted that civil society could contribute to enhancing synergies. The organization of the upcoming seminar on legal professional privilege relating to beneficial ownership transparency, and work on updating the publication *Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do About It* were welcomed.

15. The Chair concluded the briefing by affirming the indispensable nature of strong collaboration between civil society and the States Parties to the Convention. He welcomed the statements made by civil society and noted with appreciation that the briefing provided a forum for exchanging ideas and furthering dialogue with all relevant stakeholders.
