

UNCAC COALITION REVISED DISCUSSION DRAFT

A Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism

Transparency and civil society participation are essential to the effectiveness of the UNCAC Review Mechanism. An open and inclusive process can bring additional information and technical expertise into the discussions, safeguard the legitimacy and accountability of the process, and ensure compliance with international human rights law and the commitments and principles contained within the UNCAC itself. Multiple international instruments and forums have underscored that the fight against corruption needs to live up to its own standards, and requires the involvement of all stakeholders – from within and outside government – to ensure its success.

Since the UNCAC Review Mechanism was adopted in 2009 there have been many positive examples from around the world of how to conduct the country review process. Some countries have led the way by proactively publishing the findings of their reviews – of the 156 reviews completed to date, 71 countries have agreed to publish the full reports on the UNODC website – or enabling civil society input – 85 per cent of country visits have included sessions with non-governmental stakeholders, including civil society organisations (CSOs).

This draft guidance draws on positive practice in the first cycle of UNCAC review mechanism as well as applicable international law. It identifies the concrete steps that States Parties can take at different stages of the review process to ensure that the entire process is transparent and inclusive, and consequently both robust and effective.

Please send your comments to: info@uncaccoalition.org

Country review						Guiding principles
Preparation	Self-assessment	Peer review (dialogue and on-site visit)	Report	Follow-up		
<p>PARTICIPATION (From consultation through to dialogue and partnership)</p>	<p>Research which non-state actors work on anti-corruption, transparency and democracy issues in the country and invite them to participate in the review process.</p> <p>The non-state actors involved should include representatives of CSOs, the private sector, professional associations, academia and the media.</p> <p>Form a multi-stakeholder advisory team or joint planning group to consult on the organisation of the implementation review.</p>	<p>Invite CSO representatives and other non-state actors to contribute to the self-assessment. Convene one or more national stakeholder workshops to gain inputs and raise awareness about the review process.</p> <p>If time and resources of government and/or civil society do not allow for the above steps, invite civil society comments on the self-assessment as soon as it is completed.</p>	<p>Include CSO representatives and other non-state actors wherever possible in dialogues and meetings with the expert review team, including in all meetings during the on-site visit.</p> <p>Encourage written submissions by CSOs and other non-state actors to the review team, providing assessments of government implementation and recommendations for improvements.</p>	<p>Invite CSO representatives and other non-state actors to provide input to the country report approval process. Include detailed information on how the review process was conducted in the review report.</p>	<p>Organise stakeholder dialogue and meetings to shape a follow-up action plan to implement the review recommendations.</p> <p>Provide opportunities for civil society to comment on government progress reports about follow-up and to present to government their own monitoring reports.</p>	<p>Inclusivity – make efforts to secure participation of as wide a range of stakeholders as possible, including marginalised and at-risk groups.</p> <p>Capacity – where appropriate, train and support stakeholders to participate in the process.</p> <p>Timeliness – ensure sufficient time for stakeholders to submit their views and for such views to be taken into account.</p> <p>Responsiveness – explain how the stakeholder input has been assessed and incorporated into decisions.</p> <p>Resourcing – provide adequate resources to receive and process stakeholder inputs.</p> <p>Independence – allow civil society to remain independent and have the right to campaign and act, irrespective of the partnership situation.</p>

	Country review					Guiding principles
	Preparation	Self-assessment	Peer review	Report	Follow-up	
TRANSPARENCY (Proactive publication)	<p>Publish information on the UNCAC review process, its methodology, its schedule, and the contact details of the focal point.</p> <p>Publish information about qualification criteria for contributing non-state actors and outline the key entry points for civil society participation.</p> <p>Consider other awareness-raising and capacity-building training.</p> <p>Publish on a website the names and contact details of CSOs in the country wishing to take part in the review and/or be kept informed about the process.</p>	<p>Publish the completed self-assessment checklist as soon as it is available on the government's website, before the beginning of the peer review phase.</p> <p>Agree to prompt publication on the UNODC website.</p>	<p>Encourage the expert review teams to visit the country under review and publicise the visit, including providing information on the government's website along with a schedule of events.</p>	<p>Publish the country review findings, including the full country report on the government's website in the original and local languages.</p> <p>Provide the report to the legislature and the media.</p>	<p>Report regularly on progress in relation to the country review recommendations, placing reports on the designated web page and submitting them to the UNODC.</p> <p>Publish information about opportunities for non-state actors to provide inputs to and feedback on the progress reports.</p>	<p>Accessibility – ensure the publication is accessible online and understandable for all stakeholders and, wherever possible, address issues including geography, language and digital divide.</p> <p>Open data – ensure that all relevant information is published online and in an open data format, through a single portal/ on a single designated web page, including as free and reusable data.</p> <p>Timeliness – ensure the publication is sufficiently timely to allow for meaningful monitoring of and participation in the process.</p> <p>Accuracy – ensure that the most relevant and up-to-date information is provided.</p>

Conference of States Parties and subsidiary bodies

<p>Participation</p> <p>(From consultation through to dialogue and partnership)</p>	<p>Signatory States:</p> <p>Confirm that in line with CoSP rules of procedure 2 and 17, CSOs are entitled to participate as observers in all CoSP subsidiary bodies, including the Implementation Review Group and any UNCAC Working Groups.</p> <p>Be willing to include civil society representatives in national delegations.</p> <p>Ensure sufficient funding for the IRM to enable expert team country visits for meetings.</p> <p>Instruct the UNODC to convene a periodic conference of UNCAC stakeholders in advance of the CoSP to share experiences with respect to UNCAC implementation.</p> <p>Drawing on the experience of international human rights treaty bodies, mandate the creation of a safe reporting mechanism, enabling individuals and legal entities to safely share information with the UN on corruption issues covered by the UNCAC, especially on grand corruption.</p>
<p>Transparency</p> <p>(Proactive publication)</p>	<p>UNODC:</p> <p>Publish online the list of UNCAC government focal points and all information relating to the review schedule, including whether countries have authorised a country visit, the schedule of such visits, the members of the Peer Review Team and the current status of the review.</p>