

12th International Crime Congress, Salvador de Bahia, April 2010

**JOINT CSO STATEMENT ON UNCAC & UNTOC MONITORING
For a coordinated and effective global response to corruption and organised crime**

Introduction

We, civil society organisations (CSOs) working against corruption and transnational organised crime, urge delegates to the International Crime Congress to support and advance effective monitoring mechanisms for two landmark global treaties in this field: the United Nations Convention against Corruption (UNCAC) and the United Nations Convention against Transnational Organized Crime (UNTOC). Both conventions are crucial for addressing the increasingly complex and interlinked problems of corruption and transnational organised crime. To counter the associated threats to democratic governance, sustained economic development and global security, it is essential that the preventive and punitive measures of these treaties are fully implemented by signatory countries. Their implementation can only be achieved through effective monitoring, including high standards of transparency and involvement of stakeholders.

Therefore we urge that the following steps be taken:

UNCAC

We applaud the 143 states that have ratified the UNCAC and urge countries that have not yet done so to act expeditiously, including Germany, India and Japan.

We welcome the adoption of a review mechanism for UNCAC at the 3rd UNCAC Conference of States Parties in November 2009 and the upcoming launch in mid-2010 of the first UNCAC review round on criminalisation, enforcement and international cooperation.

We urge States to ensure the effectiveness of the UNCAC review mechanism by taking the following steps:

- 1. Include outstanding experts in the Implementation Review Group (IRG) and review teams:** Governments should appoint respected and qualified experts to attend the Implementation Review Group and ensure their continuity of service for at least one 5-year review cycle. They should also nominate outstanding experts for the review teams.
- 2. Establish thematic panels** of the IRG to address specific areas of concern in the first review round, such as mutual legal assistance, technical assistance and best practice in the monitoring process.
- 3. Consult with informed stakeholders and with representatives of other review processes** to ensure balanced inputs and credibility at all levels of the review mechanism.
 - a. The IRG and its panels** should actively consult with and consider inputs from informed stakeholders. These should include representatives of civil society organisations and private sector organisations. This is in line with the applicable rules of procedure.
 - b. The IRG and its panels** should also actively consult with representatives of other review processes to learn from their experiences and avoid duplication of efforts. For the same reasons, it should also liaise with the UNTOC Conference of Parties.

- c. The **country peer review teams** should consult with a wide range of stakeholders, including civil society representatives, private sector, members of the judiciary and legislative branches and others outside the executive branch of government.
 - d. **Governments** preparing their self-assessment reports should consult with a wide range of stakeholders.
4. **Include country visits** in the review process. Country visits are essential as they help ensure the accuracy of the assessments and the credibility of the process. All UNCAC signatories should include country visits as part of the review process.
 5. **Publish country review reports** in keeping with the commitments to transparency in the UNCAC and in the Terms of Reference for the review mechanism. Each Government should ensure that its full country review report is published on the UNODC website as well as on its own website, and translated into its national language. CSO parallel reports should also be published on the UNODC website, as is done in the monitoring process for the OAS Inter-American Convention against Corruption.

UNTOC

Just as States Parties have recognised that a review mechanism to UNCAC is essential for its implementation, they have also highlighted a need for a mechanism to effectively monitor and review UNTOC and its Protocols. Some preparatory steps already have been taken. We call now for the expeditious development of an appropriate monitoring mechanism for UNTOC, to be proposed at the 5th UNTOC Conference of Parties in October 2010.

Without establishment of a single mechanism for UNTOC and the Protocols, implementation will not proceed. An effective monitoring mechanism should provide a vital channel for victims' voices, ensuring that transnational organised crime responses are victim-centred in policy and practice.

In this regard, we believe that the following six features are crucial to any effective monitoring mechanism to UNTOC, building and improving on the UNCAC review mechanism already agreed:

1. **Establish an Independent Expert Monitoring Body** comprised of non-governmental experts, selected for their knowledge of the areas covered by UNTOC and ensuring geographical spread. This body would have the tasks of:
 - a. Collecting, collating and analysing data on the implementation of UNTOC in countries being reviewed.
 - b. Preparing on that basis country reports, including conclusions and recommendations (including detailed indicators) for follow up;
 - c. Assisting in the follow up process by assessing States' progress in meeting recommendations and making further suggestions on the basis of such assessment.

2. **Consult with stakeholders including victims of crimes covered by UNTOC:** Current and former victims, their service providers and advocates have valuable knowledge about UNTOC's implementation and impact, making them essential contributors to any monitoring process:
 - a. **The Independent Expert Monitoring Body** should consult and consider information provided by a wide range of stakeholders, including victims and former victims, IGOs, government agencies, civil society organisations and research organisations. Civil society organisations should be invited to make individual submissions to the mechanism.
 - b. **Governments** should consult with a wide range of stakeholders during the preparation of their self-assessment reports at the start of the review process.
3. **Conduct thematic reviews**, involving data collection and analysis on a thematic rather than article-by-article basis. Data must be collected both on the extent to which states are implementing UNTOC and how effectively implementation is meeting the overall aims of the Convention.
4. **Publish all reports including country review reports** on the UNODC website so that stakeholders can assist in the follow up process.
5. **Ensure follow-up** through requiring States to submit periodic reports to the Independent Expert Monitoring Group, outlining their progress in meeting the recommendations contained in country review reports.
6. **Provide reliable funding** for all aspects of the mechanism, including country visits, from the UN regular budget.

Conclusion

Significant international efforts are underway to combat corruption and organized criminal networks. A major success has been the adoption of these two landmark conventions, together with the development of partnerships between Governments and CSOs to address issues ranging from human trafficking to money laundering. Now, as UNTOC and UNCAC enter new phases, it is time for committing to stronger and renewed partnerships.

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