

Strengthening the UNCAC Implementation Review Mechanism: Lessons from the Universal Periodic Review

Submission by the UNCAC Coalition Human Rights & Corruption Working Group

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Introduction: Shared Principles at the Core

Efforts to combat corruption and promote human rights are grounded in shared principles including integrity, transparency, accountability, participation, non-discrimination and equality.¹ These principles, enshrined in both the United Nations Convention against Corruption (UNCAC) and international human rights frameworks,^{2 3} are essential for building just, inclusive, and effective governance. Together, these principles form a coherent framework for preventing corruption and protecting rights, enabling more resilient institutions and societies. Despite this common normative ground, the practical implementation of these principles often differs significantly between the UNCAC Implementation Review Mechanism (IRM) and the Universal Periodic Review (UPR) under the Human Rights Council. The UPR is an especially relevant point of comparison, as it offers a universal peer review process in which all UN Member States participate, and it has demonstrated an ability to promote accountability, inclusiveness, and civil society engagement in a relatively structured and transparent manner. By contrast, the IRM falls short of upholding these agreed-upon principles in both design and practice, especially in terms of transparency and meaningful participation of non-state actors. As a result, it struggles to achieve the level of inclusion and efficacy required for robust anti-corruption oversight. There is much to be learned from the UPR model; its inclusive procedures, accessible documentation, and follow-up mechanisms provide examples of good practice that could help improve the IRM and strengthen UNCAC implementation overall.

¹ Raoul Wallenberg Institute of Human Rights and Humanitarian Law, *Anti-Corruption and Human Rights* (Lund, Sweden: Raoul Wallenberg Institute, 2018), <https://rwi.lu.se/app/uploads/2018/02/Anti-Corruption-and-Human-Rights-RWI.pdf>, p.10.

² United Nations Office on Drugs and Crime, *Technical Guide to the United Nations Convention against Corruption* (New York: United Nations, 2009), https://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395_Ebook.pdf.

³ United Nations, *Universal Declaration of Human Rights*, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

Comparative Implementation in the IRM and UPR

Participation and Civil Society Engagement

Civil society participation is widely recognized as essential for ensuring effective and legitimate governance.⁴ Normatively, it upholds the right of individuals and communities to take part in public affairs.⁵ Practically, it improves policy outcomes by bringing diverse expertise, enhancing transparency, and increasing public trust. Meaningful civil society engagement ensures that policies are grounded in real-world needs and helps hold institutions accountable to their commitments. Yet, the IRM falls short in facilitating meaningful engagement. While Article 13 of the UNCAC explicitly calls for public participation, and UNODC guidance encourages inclusive practices,⁶ actual implementation remains inconsistent and often minimal. Participation is largely left to the discretion of the State under review, as the IRM process relies heavily on government self-assessments and peer review by other States Parties, without mandating the inclusion of non-state actors.⁷

Although the Terms of Reference allow stakeholder engagement during country visits and consultations, this is unevenly applied across jurisdictions due to several factors.⁸ Contributing factors include differences in political will, varying degrees of openness to civil society input, and procedural shortcomings, such as a lack of transparency around focal points, unclear timelines, and limited access to relevant documents. These issues create structural barriers that hinder consistent and meaningful participation across countries.⁹

In contrast, the UPR institutionalizes civil society engagement as a formal and integral part of the process. NGOs and other stakeholders can submit independent reports that contribute

⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR), *The Role of the United Nations in Protecting and Promoting Civic Space*, accessed May 27, 2025, <https://www.ohchr.org/en/civic-space/role-united-nations-protecting-and-promoting-civic-space>.

⁵ Office of the United Nations High Commissioner for Human Rights. *Guidelines on the Effective Implementation of the Right to Participate in Public Affairs*. Geneva: OHCHR, 2018, https://www.ohchr.org/sites/default/files/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf.

⁶ United Nations Office on Drugs and Crime, *Technical Guide to the United Nations Convention against Corruption* (New York: United Nations, 2009), https://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395_Ebook.pdf.

⁷ Corinna Gilfillan, *The Way Forward: Ensuring an Inclusive, Transparent and Effective UNCAC Implementation Review Mechanism* (UNCAC Coalition, September 2022), <https://uncaccoalition.org/wp-content/uploads/Final-IRM-Report-September-2022.pdf>.

⁸ United Nations Office on Drugs and Crime (UNODC), *Mechanism for the Review of Implementation of the United Nations Convention against Corruption—Basic Documents* (Vienna: UNODC, March 2011), [https://www.unodc.org/documents/treaties/UNCAC/Publications/ReviewMechanism-BasicDocuments/Mechanism for the Review of Implementation - Basic Documents - E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/ReviewMechanism-BasicDocuments/Mechanism%20for%20the%20Review%20of%20Implementation%20-%20Basic%20Documents%20-%20E.pdf).

⁹ Paul-Étienne Armerding and Saul Mullard, "5 Ways to Improve CSO Engagement in UNCAC – and to Help Anti-Corruption Catch up with Human Rights," *U4 Anti-Corruption Resource Centre Blog*, September 20, 2023, <https://www.u4.no/blog/5-ways-to-improve-cso-engagement-in-uncac-and-to-help-anti-corruption-catch-up-with-human-rights>.

to the primary sources of information for the review compiled by OHCHR,¹⁰ and deliver oral statements during the Human Rights Council plenary session. While only States can pose questions and make recommendations during the UPR Working Group sessions, CSOs often collaborate with supportive States to raise concerns and advocate for targeted recommendations.¹¹ This structured access has allowed civil society actors to identify violations and transgressions of obligations, monitor implementation, and sustain advocacy between cycles.

Transparency and Access to Information

Transparency and access to information are fundamental in combating corruption and upholding human rights. They enable the public to monitor government performance, uncover wrongdoing, and meaningfully participate in decision-making processes, as outlined in UNCAC Articles 13 and 10. These principles are also legally recognized rights under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to seek, receive, and impart information. However, the IRM falls short in operationalizing these standards. While States Parties are encouraged to publish key documents, such as self-assessment checklists and full country reports, disclosure is voluntary, and uptake remains limited.¹²

The issue of transparency has been further clouded by misinterpretations of the IRM's confidentiality provisions.¹³ Some States have invoked confidentiality to justify withholding self-assessment checklists and excluding civil society from the early stages of the review process. However, this stance has been challenged by legal interpretations, such as rulings which clarified that confidentiality applies only to the reviewing States and the information gathered during the evaluation, not to the self-assessment phase itself.¹⁴

¹⁰ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Basic Facts about the Universal Periodic Review*, <https://www.ohchr.org/en/hr-bodies/upr/basic-facts>.

¹¹ Gabriela Sotomayor, *The Universal Periodic Review (UPR) and Its Potential to Foster Freedom of Expression, Access to Information, and Safety of Journalists: A Guide for Journalists* (Paris: UNESCO, 2023), <https://unesdoc.unesco.org/ark:/48223/pf0000386164>.

¹² Corinna Gilfillan, *The Way Forward: Ensuring an Inclusive, Transparent and Effective UNCAC Implementation Review Mechanism* (UNCAC Coalition, September 2022), <https://uncaccoalition.org/wp-content/uploads/Final-IRM-Report-September-2022.pdf>.

¹³ United Nations Office on Drugs and Crime, *Mechanism for the Review of Implementation of the United Nations Convention against Corruption: Terms of Reference*, CAC/COSP/2009/CRP.1, para. 31, <https://www.unodc.org/documents/treaties/UNCAC/COSP/session3/V0988614e.pdf>.

¹⁴ These rulings have emphasized that there is no legal barrier preventing the public release of self-assessment documents and that, in fact, such disclosure aligns with UNCAC Article 13 and the broader public interest in promoting participation and access to information in anti-corruption efforts. Judgement: “There is nothing preventing—on the contrary, everything supports—that this self-assessment, which, we repeat, occurs prior to the formal start of the review process, be made available to civil society or individuals and entities outside the public sector. Denying access to the State’s self-assessment is not justified under Article 14.1(k). Quite the contrary, the terms of the Convention itself (Article 13) and of the Review Mechanism support the need to encourage the active participation of individuals and groups outside the public sector in the fight against corruption. In this,

Transparency and access to information are also undermined by the exclusion of civil society organizations and other non-governmental stakeholders from participating as observers in the Implementation Review Group (IRG) meetings, the subsidiary body of the UNCAC CoSP that oversees the IRM, and in all other subsidiary bodies.¹⁵

On the other hand, the UPR process includes live-streamed interactive dialogues between the State under review and UN Member States, enabling real-time observation by the international community.¹⁶ Additionally, the Human Rights Council publishes detailed country profiles containing inputs from States, independent experts, CSOs, and national human rights institutions well before review sessions. These country profiles are made available on the website ten weeks before the start of the UPR working group.¹⁷ After the review, recommendations are openly shared and compiled in the Universal Human Rights Index, further promoting accessibility and inclusivity.¹⁸ Moreover, UPR recommendations are publicly debated, and States are expected to respond to each by either accepting or noting them, strengthening transparency and accountability throughout the process.

Accountability and Follow-Up Mechanisms

A key distinction between the IRM and UPR lies in their approaches to accountability and follow-up. The IRM lacks a formalized follow-up process; once a country's review is complete, there is no structured mechanism to monitor the implementation of recommendations or assess progress over time. The review process concludes with the publication of an executive summary and, if permitted, the full report, but no mandatory

there is a clear public interest, which could outweigh even the invocation of the limitation under Article 14.1(k), in favour of the right to access information.” See

Consejo de Transparencia y Buen Gobierno. RCA253. *Informe Convención de las Naciones Unidas contra la corrupción*. Recurso interpuesto por el Ministerio de Asuntos Exteriores, Unión Europea y Cooperación contra la Resolución R/54/2022. 2022, https://www.consejodetransparencia.es/ct/Home/Actividad/recursos_jurisprudencia/Recursos_AGE/2022/RecursosMinisterios/253-MAAEE_UEyCoop.html.

¹⁵ The exclusion of non-states actors from the meetings of UNCAC subsidiary bodies is contrary to the rules of procedure and violates the fundamental rights of freedom of association and assembly, prevents non-state actors from having access to information and discussions about States' country reviews and outcomes, effectively sidelining them from the review process. While non-state actors can participate as observers in the UNCAC's Conference of States Parties (held very two years) there have been challenges to their participation, including arbitrary objections from a few States Parties that have blocked several non-governmental organizations from attending CoSPs. At the UNCAC 10th Conference of States Parties in December 2023, a historic, first-ever vote, lifted objections against the participation of leading non-governmental organizations and allowed all registered observer organizations to participate in the Conference, see: “UNCAC CoSP10 Atlanta Civil Society Declaration”, 15 December 2023, https://uncaccoalition.org/uncac-cosp10-atlanta_civil-society-declaration/.

¹⁶ United Nations, “Human Rights Council: Meetings and Events,” UN Web TV, <https://media.un.org/en/search/categories/meetings-events/human-rights-council>.

¹⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR), “Documentation,” Universal Periodic Review, <https://www.ohchr.org/en/hr-bodies/upr/documentation>.

¹⁸ Office of the United Nations High Commissioner for Human Rights (OHCHR), “Universal Human Rights Index,” <https://uhri.ohchr.org/en>.

further discussion or monitoring occurs within UNCAC fora. States parties themselves have recognized that while following up on peer reviewers' recommendations is essential, the IRM currently does not have adequate tools to compel States to address identified shortcomings.¹⁹

In contrast, the UPR operates on a fixed review cycle where States undergo evaluation every four and a half years,²⁰ and after each review, the Human Rights Council publishes a report listing all recommendations, which the State under review may accept or note.²¹ The next review cycle focuses primarily on assessing how the State has implemented supported recommendations. States are expected to report on their progress and provide updates on strategies and actions taken to address previous recommendations. Additionally, the UPR includes a voluntary mid-term reporting process that offers States an opportunity to provide interim updates, which, along with the submission of stakeholder reports, facilitates continuous monitoring and engagement.²²

The UPR process also allows civil society organizations to submit feedback and engage in advocacy during interim reporting periods. Moreover, the Human Rights Council is equipped to respond to persistent non-compliance by States through appropriate measures.²³ In comparison, the IRM's lack of a formal follow-up framework limits its ability to track progress or effectively address deficiencies, thereby reducing its impact on advancing anti-corruption reforms and compliance with UNCAC obligations.

Recommendations for Strengthening the IRM

¹⁹ United Nations Office on Drugs and Crime (UNODC), *Report on the Implementation Review Mechanism*, CAC/COSP/2021/4, 9th Session of the Conference of the States Parties to UNCAC, June 2021, https://www.unodc.org/documents/treaties/UNCAC/COSP/session9/CAC-COSP-2021-4/V2107590_E.pdf.

²⁰ The UPR has a section of its website providing a calendar, deadlines for States and stakeholders and press releases, see: [Fourth cycle \(2022-2027\) focus: enhanced implementation of UPR recommendations | OHCHR](#).

²¹ When a State supports a recommendation, it signifies a formal commitment to implement that recommendation before its next UPR. When a State notes a recommendation, it does not commit to its implementation; however, such recommendations may still be acted upon and monitored in practice.

UPR Info, A Guide for Recommending States at the UPR, September 2015, https://upr-info.org/sites/default/files/documents/2015-09/upr_info_guide_for_recommending_states_2015.pdf.

²² Miloon Kothari, *The Universal Periodic Review Mid-Term Reporting Process: Lessons for the Treaty Bodies* (Geneva Academy of International Humanitarian Law and Human Rights, November 2019), <https://www.geneva-academy.ch/joomlatools-files/docman-files/The%20Universal%20Periodic%20Review%20.pdf>.

²³ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Summary of the 7th Human Rights Council Organizational Meeting* (A/HRC/OM/7/1), March 14, 2008, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/OM/7/1, and Access Info Europe, press release, June 2025, Spanish Court Orders Government to Disclose Self-assessment Documents, <https://www.access-info.org/es/2025-06-02/spanish-court-orders-government-to-disclose-uncac-self-assessment-documents/>.

The IRM and the UPR operate with markedly different levels of transparency, inclusiveness, accessibility, and accountability. To better align the IRM with the spirit and intent of Article 13 and human rights commitments and to improve its effectiveness, drawing on the precedent of the UPR, we propose the following recommendations:

- Clarify that confidentiality provisions must not obstruct stakeholder consultations or meaningful civil society engagement during the self-assessment and review phases, and that any limitations to the right to information must be narrowly defined, clearly justified, and consistent with international transparency standards.
- Develop and publish a calendar of deadlines, a schedule for country reviews and upcoming review visits.
- Establish public access to all country review documents as the default, ensuring transparency and accountability.
- Create a formalized mechanism allowing civil society and other stakeholders to submit reports and contribute inputs throughout the review and follow-up, and ensure the implementation of mechanisms to protect non-governmental stakeholders participating in reviews from reprisals, including confidential and anonymous reporting.
- Develop a structured follow-up system requiring States to report on the implementation of recommendations within a defined timeframe.
- Establish processes and procedures for civil society representatives to speak and engage during sessions where country review findings are presented and discussed.
- Build a publicly accessible, searchable database consolidating all findings and recommendations, technical assistance needs and information on TA projects.
- Mandate mid-term reporting by States under review to detail progress made on accepted recommendations.
- Establish procedures for civil society organizations to submit follow-up assessments evaluating States' implementation efforts.
- Institutionalize follow-up reviews during subsequent IRM cycles to systematically track States' responses to prior recommendations and encourage ongoing accountability.
- Allow civil society actors to participate as observers in the meetings of the UNCAC subsidiary bodies.