

UNCAC PREVENTION CHAPTER: TRANSPARENCY PROVISIONS

GILLIAN DELL – TRANSPARENCY INTERNATIONAL

Conventions Unit

Email: gdell@transparency.org

TRANSPARENCY PROVISIONS



ARTICLE 5

➤ **Preventive anti-corruption policies and practices**

- Each State Party shall...develop and implement...effective, coordinated anti-corruption policies that promote the participation of society and reflect...**transparency** and accountability



TRANSPARENCY PROVISIONS



ARTICLE 7

➤ Public sector

- Each State Party shall endeavor to adopt ...systems for the recruitment, hiring, retention promotion and retirement of civil servants....that are (a) based on principles of efficiency, **transparency** and objective criteria.... (para 1)
- ..shall consider taking legislative and administrative measures...to enhance **transparency** in the funding of candidatures for elected public office...(para 3)
- ...shall endeavor to adopt, maintain and strengthen **transparency** and prevent conflicts of interest. (para 4)

www.transparency.org

TRANSPARENCY PROVISIONS



ARTICLE 9

➤ Public procurement (Art 9, para 1)

- Each State Party take the necessary steps to establish appropriate systems of procurement, based on **transparency**, competition and objective criteria(a) public distribution of information relating to procurement procedures and contracts...



➤ Management of public finances (Art 9, para 2)

- Each State Party shall take appropriate measures to promote **transparency** and accountability in the management of public finances.....



www.transparency.org

TRANSPARENCY PROVISIONS



ARTICLE 10

➤ Public reporting

- Each State Party shall...take such measures as may be necessary to enhance **transparency** in its public administration....
- Such measures may include, inter alia...(a) procedures allowing members of the public to **obtain information** on org'n, functioning & processes and...decisions & legal acts; and (b) **publishing information**, such as periodic reports on risks of corruption in its public administration



www.transparency.org

TRANSPARENCY PROVISIONS



ARTICLE 12

➤ Private sector

- Each State Party shall take measures to prevent corruption involving the private sector...
- Measures to achieve these ends may include, inter alia,...(c) Promoting **transparency** among private entities, including...measures regarding the identify of legal and natural persons involved in the establishment and management of corporate entities....



www.transparency.org

TRANSPARENCY PROVISIONS



ARTICLE 13

- Each States Party shall...promote the active participation of individuals and groups outside the public sector, such as **civil society** ...in the prevention of and the fight against corruption and to raise public awareness regarding...corruption.
- Including such measures as:
 - Enhancing the **transparency** of and promoting the contribution of the public to decision-making processes
 - Ensuring that the public has effective **access to information**...
 - Undertaking **public information activities**...
 - Respecting, promoting and protecting the **freedom to seek, receive, publish and disseminate information** concerning corruption...

www.transparency.org

UNCAC COALITION PROPOSALS



ACCESS TO INFORMATION

- Seeking a resolution reminding States Parties that access to information is essential for corruption prevention and calling on them to adopt and implement comprehensive access to information legislation. (Statement para 2)
- The Working Group on Prevention should include this topic in its Work Plan
- The questionnaire for the second cycle should ask if they have comprehensive & functioning access to information laws

www.transparency.org

UNCAC COALITION PROPOSALS



TRANSPARENT COMPANY OWNERSHIP

- Seeking a resolution calling for collection of beneficial ownership information through national-level public registers of companies and trusts maintained with updated current information....



www.transparency.org

UNCAC COALITION PROPOSALS



UNCAC REVIEW PROCESS

- Publication of self-assessment report
- Publication of full review report

www.transparency.org

5TH UNCAC COSP RESOLUTIONS



ACCESS TO INFORMATION

➤ Resolution 5/4 Follow up to the Marrakech Declaration on the Prevention of Corruption

- calls for “*effective measures facilitating access by the public to information and requests the Secretariat to provide technical assistance to States parties seeking to introduce or enhance measures in this area...*” (para 23)



www.transparency.org

5TH UNCAC COSP RESOLUTIONS



TRANSPARENT COMPANY OWNERSHIP

➤ Resolution 5/3 Facilitating international cooperation in asset recovery

- encourages States parties “*to cooperate in order to implement the necessary measures to enable them to obtain reliable information on beneficial ownership of companies, legal structures or other complex legal mechanisms, including trusts and holdings, used to commit crimes of corruption or to hide and transfer proceeds.*” (para 23)

➤ Resolution 5/4 Follow up to the Marrakech Declaration on the Prevention of Corruption

- encouraging States parties “*to exchange best practices in the identification of beneficial owners of legal structures used to commit crimes of corruption or to transfer their proceeds.*” (para 24)

www.transparency.org

UNCAC COALITION



- **Supporting national monitoring & advocacy**
 - **Engaging in joint global advocacy**

www.uncaccoalition.org

We'd welcome hearing from you!
Please do consider applying to join!

gdell@transparency.org

www.transparency.org



www.transparency.org

facebook.com/transparencyinternational

twitter.com/anticorruption

blog.transparency.org

© 2014 Transparency International. All rights reserved.